

# Pakistan a Slave State

Roedad Khan

*Volume - 2*



*Reproduced by  
Sani Panhwar*

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## ABOUT THE AUTHOR

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

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

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

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

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

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

I hope you will enjoy reading the articles.

Sani Panhwar  
California 2013

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## Once Bitten, Twice Shy

Long ago, Karl Marx, famously borrowing from Hegel, said: "Everything happens twice in history, the first time as tragedy, the second as farce". In our case, history has a habit of repeating itself again and again ad nauseum and is nothing more than a series of endless repetitions, each more debased than its predecessor.

The petition addressed to President Musharraf by some intellectuals, retired generals and parliamentarians is the latest such exercise. Why don't we learn from history? But as Hegel said long ago: "Man learns nothing from history except that he learns nothing from history". Einstein once said, "To keep trying the same thing over and over with the expectation of a different result is the definition of insanity".

Not long ago, on Tuesday, December 30, 2003, to be exact, elected representatives of the people of Pakistan had to make a fateful choice: they could either collaborate with General Musharraf, thereby losing all their credibility or insist that the Generals call it a day, restore parliamentary democracy and go back to the barracks. Regrettably, the opposition sacrificed principle for expediency, opted for collaboration with General Musharraf and joined hands with the government party to subvert the constitution. The parliament passed an extraordinary constitutional amendment bill, which added a new clause (8) to article 41 of the constitution, providing for a "one-time vote of confidence for a further affirmation of General Musharraf's presidency"!

Two days later, on January 1, 2004 – a day which will go down in our history as a day of infamy – in an unprecedented move made in a carefully orchestrated process, General Musharraf obtained a "vote of confidence" from the parliament and four provincial assemblies and was "elected" as President by the Chief Election Commissioner. How could the parliamentarians enter upon the path of collaboration with a military dictator? How could members of the National Assembly, sworn to preserve, protect and defend the constitution, participate in this charade? How could they perpetrate this fraud which has made a mockery of the entire constitutional process? How can a dubious "vote of confidence" be a substitute for election of the President of Pakistan, as provided for in the constitution? How can it confer legitimacy? More disgusted than dejected, I still can't fathom this ugly turn in our political history.

Subsequent events have amply demonstrated that General Musharraf had taken the gullible parliamentarian, infact the entire nation, for a ride. "Power", Churchill once said, "Is heady wine". Nobody wants to surrender it. Why should General Musharraf? In violation of the solemn commitment he had made on

National television, General Musharraf broke his soldier's word of honour, reneged on his promise and told a stunned, baffled nation that he had decided not to give up his post as Army Chief and doff his uniform. General Musharraf had crossed his personal Rubicon. The die was cast. With that fateful decision, he lost all his credibility which now lies in ruins. No wonder, his promises are not trusted. His word is not believed. The lesson of history is that if you have credibility, nothing else matters. If you have no credibility, nothing else matters. Without credibility, no ruler can govern because nobody believes such a ruler. No wonder, Pakistan is in such a terrible mess today.

In the backdrop of President Musharraf's dismal record of broken promises, the letter addressed to him and others by the group of 18 for a dialogue makes no sense. Is history going to repeat itself? Are we about to witness another "process of meaningless dialogue", another charade, another absurd pretence, to hoodwink the people? Are efforts afoot to perpetrate another fraud on the people of Pakistan in the name of ending military rule? Long ago, Trotsky wrote, "No Devil cuts off his claws voluntarily". A person who possesses supreme power seldom gives it away peacefully and voluntarily. Why should General Musharraf? Elections in Pakistan, even under the best of circumstances, have generally been a profanity. Therefore, anybody who thinks free, fair, impartial elections will be held in this country in 2007 and total power transferred by General Musharraf to the elected representatives of the people, should go home, take a nap, wake up refreshed and think again.

It is impossible not to feel and express outright contempt for General Musharraf's dubious programme of transition to "civilian rule". The process of self-entrenchment is blatant enough. We have come to a critical fork in the road. The time is now near at hand which must determine whether Pakistan is to be ruled by the constitution or the whim and caprice of one single, solitary person in uniform. Do we wish to remain citizens of a Republic, or do we prefer some form of autocracy in which a General in uniform assures us that things were never as good as they are today?

The country has been rotted by years of army rule. The people can no longer see the face of Pakistan through the veil General Musharraf has thrown over it. Jinnah's Pakistan has become a "garrison state". People feel that this President has lost his "mandate of heaven". At a time when leadership is desperately needed to cope with matters of vital importance, Pakistan is led by a General who lacks both legitimacy and credibility, seems oblivious to the realities of his awesome responsibilities and is only interested in perpetuating himself. Naturally, people are filled with anger and angst. If you believe in democracy and rule of law and sovereignty of the people, you would not be anything other than angry, living in the current day and age. Of course, some people are happy

under the present system. The rich are getting richer. For the rest, life is nasty, brutish and short. It is like an open prison. You get complacent because of the comfort. They give you just enough to make you happy.

There comes a time when people get tired. We say today to those who have ruled us so long without our consent: that freedom from army rule is not negotiable; that their interest and the interest of Pakistan do not coincide, that we are tired of military rule, tired of tyranny, tired of being humiliated, tired of being deprived of our right to elect our rulers. We say to them: enough! Enough! We can't take it anymore. We are at the last quarter of an hour. The cup of endurance is about to run over. We have no alternative but to stand up and fight. If we succeed, and God willing we shall, we may get a new Pakistan – free, open, democratic, proud. A dynamic, developed, and steady country, standing on its own feet, in control of its destiny, genuinely respected by its neighbours and the democratic world. A country with a future. Another country.

Today military rule is discredited, unwanted and mistrusted. The nation is breaking down; it has become ungovernable and would remain so as long as Musharraf remain in power, with or without uniform.

Therefore, the civil society must seize the initiative. One thing is clear: there can be no free, fair and impartial elections if General Musharraf remains in office. The combined opposition should have one aim, one single irrevocable purpose only: end of military rule before free, fair, impartial elections can be held, a neutral interim government and restoration of the un-amended 1973 Constitution. Let them make a solemn commitment never to parley, never to negotiate with military adventurers, and never to allow anything to cause the slightest divergence of aim or slackening of effort in their ranks.

This is no time for sterile, meaningless dialogues. Today, we need people who will stand up and say: Enough! Enough! This is not acceptable in the 21st century. But, “where are the men to be found who will dare to speak up”, as Voltaire said. The creative intellectuals have been driven to ramshackle ivory towers or bought off. The legal profession has lost its integrity and has nothing left of its former power but its rhetoric. Retired civil servants have adopted the ‘genre of silence’. Show me an educated man with a silver spoon in Pakistan today, and I will show you a man without a spine.

At a time like this, General Musharraf should, set an example of sacrifice because there is nothing which can contribute more to galvanize this traumatized nation than that he should sacrifice the power he usurped seven years ago! What, Mr. President, is your political future weighed in the balance against the fortunes of our country. Who are you or I or anybody else compared with the interest of the

nation? Why not make this long traumatized country normal again. One thing is for sure: We cannot go on being led as we are. This situation can and will be changed. So who will pull Pakistan back from the brink? We must make sure that the answer comes before it is too late.

I end this article with a quotation from Chief Justice Hamoodur Rahman's report.

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

## August 14

### Cast off Despair

On August 14, 1947, over a century and a half of British rule in India came to an end. The Union Jack was lowered for the last time. I saw the sun set on the British Empire in the sub-continent. I witnessed its dissolution and the emergence of two independent sovereign countries. On that day, thanks to the iron will and determination of Mr. Jinnah, I was a proud citizen of a sovereign, independent country – a country I could live for and die for. It was a wondrous moment. Cheers rang out and many wept. But where are the words to convey the intoxication of that triumphal moment. It is not just that we had a great leader who seemed to embody in his determination a bright and different world as each person imagined it. We had entered a new era. In the shivering streets people warmed themselves with hope. Mr. Jinnah could not have foreseen what would happen when he passed his flaming torch into the hands of his successors or how venal those hands could be.

There are periods in history which are characterized by a loss of sense of values. The times we in Pakistan live in are preeminently such an age. If you want to see a free nation stifled by indigenous military dictators through its own apathy and folly, visit Pakistan. The great French thinker, Montesquieu, said in the 18th century: “The tyranny of a Prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy”. A tyrannical government is the inevitable consequence of an indifferent electorate.

Military rule will never end in Pakistan; politics will never be cleaner in this country, unless and until citizens are willing to give of themselves to the land to which they owe everything”. Today apathy is the real enemy. Silence is its accomplice.

As he left the constitutional convention of 1787, Benjamin Franklin was asked by an admirer, “Dr. Franklin what have you given us”. Franklin turned to the questioner and replied, “A Republic, if you can keep it”.

Not too long ago, we too possessed a great country earned for us by the sweat of the brow and iron will of one person. Where giants walked, midgets pose now. Our rulers, both elected and un-elected, have done to Pakistan what the successors of Lenin did to Soviet Union. “Lenin founded our State, Stalin said, after a stormy session with Marshal Zhukov. The German army was at the gate

of Moscow. "And we have ...it up.

Lenin left us a great heritage and we, his successors, have shitted it all up". This is exactly what we have done to Jinnah's Pakistan.

Many nations in the past have attempted to develop democratic institutions, only to lose them when they took their liberties and political institutions for granted, and failed to comprehend the threat posed by a powerful military establishment. Pakistan is a classic example. To no nation has fate been more malignant than to Pakistan. Born at midnight as a sovereign, independent, democratic country, today it is under military rule for the fourth time, and in the grip of a grave political and constitutional crisis. 58 years after independence, the kind of Pakistan we have today has lost its manhood and is a ghost of its former self. Our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. We are back to square one like Sisyphus, the errant in Greek mythology, whose punishment in Hades was to push uphill a huge boulder only to have it tumble down again.

Today Pakistan is a shadow of what it used to be. What is there to celebrate? The Federation is united only by a 'Rope of Sand'. 58 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. A general languor has seized the nation. "Democracy" in Pakistan is a mask behind which a pestilence flourishes unchallenged. It has a disjointed, dysfunctional, lopsided, hybrid, artificial, political system - a non-sovereign rubber stamp parliament, a weak and ineffective imported Prime Minister, appointed by a powerful President in military uniform.

As we look back at all the squandered decades, it is sad to think that for Pakistan it has been a period of unrelieved decline and the dream has turned sour. Pakistan has long been saddled with poor, even malevolent, leadership: predatory kleptocrats, military - installed dictators, political illiterates and carpet-baggers. Under the stewardship of these leaders, ordinary life has become beleaguered; general security has deteriorated, crime and corruption have increased. Once we were the envy of the developing world. That is now the stuff of nostalgia. We seem exhausted, rudderless, disoriented. Our great dreams have given way to a corrosive apprehension, fear, uncertainty and frustration. The corrupt among us are doing breathtakingly well but the large mass in the middle is struggling hard just to keep its head above water. Today most youngsters graduate directly from college into joblessness.

"Every country has its own constitution", one Russian is alleged to have remarked in the 19th century. "Ours is absolutism moderated by occasional assassination". The situation is not so very different in Pakistan. In democracies,

constitutional amendments are especially solemn moments; in Pakistan they are easier than changing the traffic regulations. If you want to know what happens when Constitution, the Fundamental Law of Land, is periodically decimated, disfigured, defiled with impunity and treated with contempt; when a General in uniform gets himself 'elected' as the President of the country in a dubious Referendum; when the Supreme Court, the guardian of the constitution, validates its abrogation and confers legitimacy on the usurper, well – visit Pakistan.

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

The country is in deep, deep trouble. A sense of defeat hangs over Islamabad – not of military defeat, but of the very basis of Pakistan, a sense of disorganization of spirit. The failed assassination attempts targeting President Musharraf in Rawalpindi are a grim reminder of a very real threat the country faces. In the absence of an agreed constitution, a genuinely democratic political order and a binding law of political succession and transfer of power, who would take over as President once President Musharraf leaves the stage? Much more important: who would takeover as army chief? Who would appoint the army chief? The entire political structure would come tumbling down and collapse like a house of cards. It is horrifying. This has been the principal cause of instability of the state of Pakistan ever since its creation 58 years ago.

We have been through many difficult times in the past. The only difference is in the past we more or less knew what our goal was; through which tunnel we were trying to move and what kind of light we expected to see. Today we don't even know if we are in a tunnel. We are in a mess. Disaster roams the country's political landscape. 58 years ago times were ebullient and yeast was in the air. "Bliss was it in that dawn to be alive. But to be young was very heaven". On that day we dreamed of a shining city on the hill and distant bright stars. Today Pakistan is a nightmare of corruption, crime and despair. We thought we had found freedom but it has turned out to be just another kind of slavery.

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

What has become of the nation? Its core institutions? The militarized state has eroded their foundations? Civil society lies at the feet of the army. The army has been enthroned as the new elite. The level of fawning and jockeying to be merely noticed and smiled upon by any pretender in uniform speaks of a nation that is loudly pleading to be crushed underfoot. Today we feel ourselves unable to look our children in the eye, for the shame of what we did, and didn't do during the last 58 years. For the shame of what we allowed to happen? This is an eerie period when nothing seems to be happening; the heart of the nation appears to stop beating, while its body remains suspended in a void. In grim reality, however, the military leadership is busy dividing the opposition and digging in.

One thing is clear. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East Pakistan made it abundantly clear that the Federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule.

People are getting fed up with tinhorn despots. The people of Pakistan have soured on this "President in uniform". The "commando President's" aura has crumbled. His star is already burning out. People have crossed the psychological barrier and overcome fear. But who among our leaders has the courage, capacity, will and, above all, credibility, to channelize and guide their rage? "If we do not speak, who will speak"?

Chairman Mao once said. "If we do not act, who will act"? There are times in the life of a people or a nation - when the political climate demands that we - even the most sophisticated of us - overtly take side. I believe that such times are

upon us. All those who love Pakistan have to take sides, and this time, unlike the struggle for independence, we won't have the luxury of fighting a colonizing enemy. We will be fighting ourselves.

There will no velvet revolutions in this part of the world. The walls of autocracy will not collapse with just one good push. The old order will not go quickly. No doubt, it will be an uphill struggle to reclaim our democracy and fashion it once again into a vessel to be proud of. A single independent voice – a voice that has credibility as the voice of the anger of the people and its will to resist, can break through the conspiracy of silence, the atmosphere of fear and the solitude of feeling political impotent.

We live in a profoundly precarious country. The current course is unacceptable. We are finally getting united and beginning to channel this anxiety into action. If young people, in particular, take to the streets – as they have in other countries and as they have in the past in this country, in defence of our core institutions, things will change. The status quo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless. The long nightmare will be over. It will be morning once again in Pakistan. This is the last chance. The last battle.

## **Where have all the Angry Youth Gone?**

This is not an age of commitment and political faith. We live in a degenerate age and morally ambiguous times. Pakistan is passing through a period of moral bankruptcy and personal imbecility. It is already dotted with Potemkin villages. We now have a 'Youth Parliament', organized by government. It met in Islamabad on International Youth Day and passed a resolution calling for better health, education and entertainment facilities for the younger generation! It brought back to memory the Global disruption of the 1960s when a wave of student protest produced a crisis of authority in nearly every country. Angered by what they perceived as a stagnant political statusquo, students took to the streets. The entire world shook.

French President Charles De Gaulle was its first casualty. He was not someone who could be easily scared. Comparing the 1960s with the harrowing days of World War II, the former leader of the French Resistance lamented that he now lived in "mediocre" times. Soon after De Gaulle deplored his "mediocre" times, all hell broke loose. An overriding public threat emerged in France. The President now had a clear "enemy", the youth of France which he was poorly equipped to confront. "The police must clean up the streets. That is all". "Power does not retreat", the President declared. Soon self-doubt began to creep in on the aging President. When Parisian students called a nationwide strike and were joined by factory worker across France, De Gaulle despaired that "in five days, ten years of struggle against the rottenness in the state have been lost". For the first time in his life, De Gaulle suffered from insomnia, unable to reconcile his faith in the French "spirit" with the growing manifestations of popular protest against his leadership.

Despondent, tired and confused, De Gaulle made a curious journey with his wife to the West German town of Baden - Baden, De Gaulle's advisors could not discern whether the President wanted to flee for his personal safety or to organize a military campaign. On arrival in Germany, a nervous and agitated De Gaulle announced: "it is all over", lamenting the "total paralysis of the country", he explained: "I am not incharge of anything anymore. I am withdrawing... since I feel that I and my family are threatened in France, I have come to seek a refuge with you", De Gaulle told General Massu, the Commander of French Forces in West Germany. The student demonstrators did not accomplish all they set out to achieve, but they did undermine President De Gaulle's leadership. He admitted that the 1968 student rebellion had diminished "the figure that history has made

of me". The students of France had worn the old man out. Humiliated and exhausted, De Gaulle resigned.

In West Germany, where De Gaulle had sought temporary haven, student unrest in 1968 created similar difficulties for its leaders. Foreign Minister Willy Brandt – who became a Chancellor a year later – despaired that "young people in many of our counties do not understand why we, the older ones, cannot cope with the problem of our age".

In America, President Johnson's successor, Richard Nixon, accompanied only by his valet, confronted a group of anti-war young protestors encamped around the Lincoln Memorial. He attempted to convince the skeptical audience that he shared their ideals but could not avoid "extremely unpopular policies". The President's late night effort proved futile: protest continued across the nation.

Like in the rest of the world, students in Pakistan were on the barricades in 1968. It was a time of student dreams and of student revolt aimed at toppling an authoritarian military rule. The disruption started with a single incident. In the first week of November 1968, a student was killed in a clash between the police and a crowd of Mr. Bhutto's supporters outside the Polytechnic in Rawalpindi. The Student community reacted violently. Curfew was imposed to keep the situation under control. Few days later, when Ayub was addressing a public meeting in Peshawar, two shots were fired at him. He escaped, but the incident sparked off widespread disturbances. There were daily encounters between the police and the students in major cities resulting in civilian casualties. Every such incident further inflamed passions against Ayub, forcing him to abdicate. Just before transferring his power to General Yahya, Ayub told his former ministers "I am sorry we have come to this pass. Perhaps I pushed the country too hard into the modern age".

What is the situation in Pakistan today? August 14 gave independence to Pakistan but not to Pakistanis. The greatest disappointment of my generation has been its failure to stand up to General Musharraf who has robbed us of everything – our past, our present, our future. Prolonged army rule has reduced us, collectively, to a plantation of slaves. We seem to be helpless in the grip of some all – powerful monster; our limbs paralyzed; our minds deadened. Few Pakistanis seem ready to die for anything anymore. The entire country seems crippled by a national "defaillance". The intellectuals, the civil society have failed before history. How is it possible that during a time when democracy is on the ascendancy everywhere, the best and the brightest among us have remained so silent, so acquiescent? Unfortunately, the dominant impulse is that of fear – pervasive, oppressing, strangling fear: fear of the army, the rangers, the police, the widespread secret services, the midnight knock. Many point to the lack of

personal threat to frighten us into action.

Others suggest that the pressures of an unstable and uncertain economy have caused this generation to look inwards, focusing on creating a solid economic future for themselves rather than dilly – dally with visions of democracy. But all these explanations seem off and are mere excuses for inaction.

But where have all the angry youth gone? These days they graduate directly from college to joblessness and are forced to resort to crime, drugs and vagrancy merely to survive. Many are fleeing the country and desperately trying to escape to the false paradises of the West and the Middle East. Sadly, they have lost confidence in the country's future and the institutions that constitute its political apparatus. No wonder, they have mostly kept their distance from the arena of political conflict and aren't protesting anything, let alone absence of democracy. There is no longer a serious youth political culture in this country today. And the reason for that is because this generation does not believe in its ability to alter, or even slightly disrupt, the status quo. All you can do is face this cold reality, get a good job, and try to keep as warm as possible within the confines of your isolated, insulated home. Idealism died in this country long ago because the doctrine of "there is no alternative" killed it. We don't dream of utopias anymore. So it is no wonder that nobody, neither young nor olds are showing up to protest dictatorship.

Be that as it may, beneath Pakistan's placid surface, the tectonic plates are shifting. Look into the eyes of a young Pakistani today and you will see a smoldering rage. Put your ear to the ground in the country and listen to the whispering of the educated unemployed and truly powerless, and you can hear the thrumming, the deadly drumbeat of burgeoning anger. "I can detect the near approach of the storm. I can hear the moaning of the hurricane, but I can't say when or where it will break forth". When hunger and anger come together, people, especially the young, sooner or later come out onto the streets and demonstrate Lenin's maxim that in such situations voting with citizen's feet is more effective than voting in elections.

If there is a lesson to be extracted from student agitation in the 60s, it might be that the power of the powerless works. They drove powerful Presidents like Charles De Gaulle, Lyndon Johnson and Ayub Khan from office. I dread their determination.

## **The Last Stand of Akbar Bugti**

To no country has fate been more malignant than to Pakistan. This nation, which had its beginning 59 years ago under the protection of certain inalienable rights – among them the sovereign right to elect its rulers in a free, fair, impartial election – slid backward into military dictatorship. Since the assassination of Prime Minister Liaquat Ali Khan, the Generals of the Pakistan army have ruled Pakistan, directly or indirectly, with disastrous consequences. Pakistan in under military rule for the fourth time. General Musharraf, who has been in power for seven long years, is a man deluded, like so many before him, into thinking his power is immortal. It is an indication of how bad things have become in Pakistan that the 50s are now viewed by many Pakistanis as a kind of “*belle époque*” – the period of settled and peaceful life before the Generals hijacked Pakistan.

General Ayub stabbed Pakistan’s democracy in the back and inducted the army into the politics of Pakistan. We lost half the country under General Yahya. General Zia hanged Zulfikar Ali Bhutto, Prime Minister of Pakistan, on trumped up charges. “Condemn me, it does not matter”, Bhutto told the court. “History will absolve me”. Zulfikar Ali Bhutto was taken to the gallows on a stretcher on April 4, 1979 as the clock struck 2 in the morning. The execution of Bhutto was a cold, calculated decision, made in full realization of all its implications, and in total disregard of its adverse reaction abroad and the immense damage it was to cause to the image of Pakistan.

Akbar Bugti, the handsome Baloch nationalist, leader of Jamhoori Watan Party (JWP), is the latest political leader to die at the hands of a military dictator. Akbar was a fugitive in the Bhamore hills, having been forced out of his hometown of Dera Bugti by the army. Last year he was more than willing to negotiate a compromise solution of Balochistan’s problems on the basis of a proposal put forward by Chaudhry Shujat Hussain, President of the ruling Pakistan Muslim League. The agreement might have ended most of the Baloch grievances, such as their desire for greater autonomy and more income from the vast gas fields in Balochistan that provide 45% of Pakistan’s gas supplies. But General Musharraf had other plans. He spurned the peace proposals, opted for military action and decided to go in for the kill.

First came the report that laser-guided missiles were used to blast the cave where Akbar Bugti had decided to make his last stand. Later, Information Minister, Muhammad Ali Durrani denied their use. Whatever the truth, Akbar Bugti, the 80-year old Baloch leader, outgunned and outnumbered, met his death bravely.

He did not bend. He did not surrender. He did not capitulate. Akbar couldn't have died a better death. He died just as he would have wished. Regrettably, his body was not handed over to his sons who wanted to bury him in Quetta. Instead, he was hurriedly brought from somewhere and buried in Dera Bugti under arrangements made by the military. In protest, no family member attended the burial. For many Pakistanis, Bugti's death is a harsh reminder of the judicial murder of Prime Minister Zulfikar Ali Bhutto at the hands of General Zia. Akbar Bugti's death also reminds me of the tragic end of Enver Pasha, the flamboyant, handsome Turk who met his death with ferocious courage in the Pamir foothills, fighting soldiers of the Red Army. Enver's body was discovered by a passing mullah who at once realized whose it was. As preparations for his funeral and Muslim burial were being made, word spread quickly that Enver's body had been found. The local people, who admired him immensely, buried him beneath a walnut tree, in an unmarked grave beside the river at Abiderya. In the years to come, many Baloch, young and old, especially the sons and grandsons of those who fought and died with Akbar, would, I am sure, go on pilgrimage to the Bhambore hills to visit the cave where their Chief made his last heroic stand.

The irony is that Akbar Bugti was engaged in serious negotiations with Chaudhry Shujat Hussain, President of the ruling Muslim League and Chairman of Parliamentary Committee on Balochistan. In the foreword to the report of the Committee, Chaudhry Shujat Hussain was pleased to write: "Prior to his release by the Supreme Court, there had been hatched a conspiracy by the government of the day whereby they were attempting to murder my father through hired henchmen. The then Governor of Balochistan, Nawab Akbar Bugti, foiled that conspiracy because he strongly felt that such a criminal act would be contrary to age old Baloch traditions where a guest is honoured and never maltreated..." Akbar was hunted out, killed in cold blood like a common criminal and denied a decent, dignified burial. Why?

It all started with the rape of Dr. Shazia, a young married lady doctor in Sui, Balochistan. Akbar Bugti took up her cause and turned it into a 'cause célèbre'. While all accusing fingers pointed in the direction of Captain Hammad of the DSG, General Musharraf rejected the allegation and denounced Dr. Shazia without waiting for the result of the judicial inquiry. General Musharraf and Akbar Bugti were now on a collision course. In a television interview, General Musharraf issued a stern warning to Akbar Bugti among others: "Don't push us. It is not the 70s, when you can hit and run, and hide in the mountains", he said, alluding to the military operation to quell the insurgency in Balochistan in the 1970s. "This time, you won't even know what hit you". "Oh God"! I said to myself. "Not again". Unfortunately, Generals do not learn from history because they do not read history. They make history.

What kind of a man was Akbar Bugti? Akbar had a charismatic attraction in real life. If he entered a room, everything began revolving round him. He was arrogant, reckless and, like all tribal chieftains, deeply suspicious. He was like a man possessed, full of energy, drive. Basically a lonely man, romantic, intolerant of opposition but a good friend, much loved and greatly hated, adored by some and despised by others. A man of strong likes and dislikes, Akbar Bugti made many enemies, but he also had many good friends who would mourn his tragic death.

The current crisis in Balochistan is a throwback to the 1970's insurgency that resulted from Z.A Bhutto's dismissal of the National Awami Party government and the detention, on conspiracy charges, of 55 nationalist politicians and student leaders. Nearly three divisions were deployed to crush the insurgency and restore normalcy in that troubled province. On July 5, 1977, the Bhutto government was toppled in a military coup led by General Zia. Within days, on civilian advice, General Zia reversed the earlier decision to crush the insurgency, went to Hyderabad, met all the Baloch and Pakhtun leaders in jail. He called off the army operation, dropped the Hyderabad conspiracy case and had lunch with the 'rebel leaders'. What is more, he sent Ataullah Mengal, a heart patient, to the United States for medical treatment. All this had a dramatic effect. In no time, the situation returned to normal. All military operations in Balochistan were ended. Troops were withdrawn; a general amnesty was granted to all those who had taken up arms against the government; all sentences were remitted; properties confiscated were returned to their owners.

Balochistan never gave any trouble to General Zia and remained peaceful throughout. If Zia had continued the policy of confrontation, its consequences would have been disastrous for the country. With one masterly stroke, Zia turned confrontation into reconciliation and won the hearts and minds of the people of Balochistan. Of all the decisions Zia-ul-Haq took, extrication from the Balochistan insurgency was the most decisive. It was his masterpiece in the skilled exercise of power. Why was General Zia's sound policy of reconciliation not followed in the present case? The lesson of history is that conflicts essentially political in nature do not lend themselves to a military solution. Any military ruler who ignores this lesson does so at his peril.

Whoever is advising President Musharraf to take on the Baloch, is no friend of his and is certainly no friend of Pakistan. Instead of extricating the army from Waziristan where the so-called American-led war against terrorists has resulted in the killing of innocent men women and children and the permanent alienation of Wazir and Mahsud tribesmen, General Musharraf has jumped into the Baloch quicksand and opened a second Front against his own people. He doesn't realize

that he is flying against history and the wind of public opinion and does not seem to comprehend the rising tide of Baloch nationalism. His failure to meet the Baloch challenge in a realistic and flexible manner will, inevitably, have disastrous consequences for Pakistan. Unfortunately, he doesn't have the statesmanship or political skill required to resolve the Baloch imbroglio in accordance with the aspirations of the people of Balochistan. General Musharraf is essentially a commando and a risk-taker. He shoots from the hip and possesses nothing of the vision required of a statesman. This totally senseless military operation which has already resulted in the tragic death of Nawab Akbar Bugti and several of his companions, has sparked a firestorm throughout the country. It has shaken the foundations of our fragile federation which is coming apart at the seams. The message for the smaller federating units is loud and clear: anyone who stood in General Musharraf's way would be eliminated. Who is next on the list? It is scary.

How will this tragic drama end? No one knows. But, never, never, believe that the ongoing confrontation in Balochistan will be smooth and easy. Now that General Musharraf has embarked on a perilous adventure, no one can measure the tides or hurricanes Pakistan is sure to encounter in the days to come. The use of force against the people did not succeed in East Pakistan and led to tragic consequences. How can it succeed in Balochistan? Why use force to resolve what is essentially a political problem? Why rock the boat? The Generals who rule this sad country today have obviously learnt nothing from the secession of East Pakistan; 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. Unfortunately, those who do not learn from history are doomed to repeat it.

History shows that concentration of too much power in one person is an invitation to tyranny. "Power corrupts. Absolute power corrupts absolutely". Liberty is best served if power is distributed. Today, all power is concentrated in the hands of one single, solitary individual in uniform. He is the President, Supreme Commander, Chief of Army Staff, Chairman National Security Council and Chief Executive. He alone decides questions of war and peace. He wields absolute power without responsibility and is accountable to none. Nothing moves without his approval.

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

the Supreme Commander in making vital decisions of national importance. With such a plan, the constitution mandated the subordination of the military forces to the civilian authority. How can the Supreme Commander discharge his responsibilities in accordance with the spirit of the constitution if he is also the Chief of Army Staff? Who will be the Supreme Commander's principal advisor in army matters if the Supreme Commander himself is the Chief of Army Staff? It is an absurd situation. No wonder, Pakistan is at war with its own people in Waziristan and Balochistan.

It is looking more and more like amateur hour in the one place that is supposed to provide leadership in these perilous times - the Presidency. Is there no one to keep this insanity at bay? This is the darkest hour in the history of Pakistan. There is unmistakable stench of fascism on the breeze. No one is safe. Pakistan is in deep, deep trouble. Who will protect it? Who will pull it back from the brink of the abyss? We must make sure that the answer comes back before it is too late.

## **Cry, Beloved Pakistan**

In these harsh and difficult political times, the question of leadership is at the center of our national concerns. The times cry out for leadership. At the heart of leadership is the leader's character. Pakistan is a nation of teahouse politicians, midgets with no commitment to principles and no values; nothing to die for and nothing to live for. Here we have pocketbook liberals, pseudo democrats and orthodox religious leaders concerned only with short - term profits and only too eager to do business with the military. A chasm separates them from the people who see them as a predatory group, self-enriching and engaged in perpetual intrigue while the country collapses. And when the winds blow and the rain descends and the house is about to collapse, they all vanish in a night.

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

Two days later, on January 1, 2004, in an unprecedented move made in a carefully orchestrated process, General Musharraf obtained a "vote of confidence" from the parliament and four provincial assemblies and was declared "elected" as President by the Chief Election Commissioner! How could MMA, for many Pakistanis the voice of authentic opposition, enter upon the path of collaboration? How could members of the National Assembly, sworn to preserve, protect and defend the constitution, participate in this charade?

How could they perpetrate this fraud which has made a mockery of the entire constitutional process? How can a dubious "vote of confidence" be a substitute for election, of the President of Pakistan, as provided for in the constitution? How can it confer legitimacy? More disgusted than dejected, I still can't fathom this ugly turn in our political history.

Barring a few blissful exceptions, can anyone among our leaders say, in all honesty, that he is in jail or in exile because of his ideals; because of what he stood for; because of what he thought or because of his conscience? Can anyone of them face the court like Nelson Mandela and say, "whatever sentence your Worship sees fit to impose upon me, may it rest assured that when my sentence has been completed, I will still be moved, as men are always moved, by their consciences. And when I come out from serving my sentence, I will take up again, as best I can, the struggle for the rights of my people". Can anyone of our leaders face a judge and declare that he always cherished the ideal of a democratic, corruption - free Pakistan - an ideal which he hoped to live for and to achieve. And like Mandela, "if needs be, it is an ideal for which he is prepared to die".

Nobody expects our leaders to die in the service of Pakistan or suffer the crushing effects of prison life, even for a good cause, as Mandela did on Robbin island - clean his toilet bucket in sinks at the far end of a long corridor at 6:35 AM every day, sit cross - legged for hours forbidden to talk, bash away with a 5 - pound hammer at piles of stone in front of him, crushing them into gravel, receive only one visitor in every six months, write and receive only one letter in the same period, work in the lime quarries for about 27 long years on Robbin island with the cold and fierce Atlantic winds sweeping across the island, numbed to the bone hardly able to raise his pick. Mandela suffered all this and more not because he was charged with corruption or that he had looted or plundered the state treasury or that he had betrayed national interest. He suffered because he refused to accept the injustice and inhumanity of a cruel system which a fascist white minority government had imposed on his people. He didn't flinch. He did not waver. He did not run away.

He made no deal. He stood his ground and won. That is the stuff that leaders are made of. It gives me no pleasure to say that Pakistan no longer exists, by that I mean the country of our dreams, our hopes, our pride. The Generals have robbed us of everything - our past, our present, our future. Today a moral crisis is writ large on the entire political scene in Pakistan. The Pakistan dream has morphed into the Pakistan nightmare. The country is under army rule for the fourth time and in deep, deep trouble. This is the darkest era in the history of Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. It is no longer a democratic country. American military personnel cross and re-cross our border without let or hindrance. They violate our air space with impunity and kill innocent men, women and children. Everyday I ask myself the same question: How can this be happening in Pakistan? How can people like these be in charge of our country? If I didn't see it with my own eyes, I'd think I was having a hallucination.

At a time when leadership is desperately needed to cope with matters of vital importance and put the country back on the democratic path, Pakistan is ruled by a General who lacks both legitimacy and credibility and seems oblivious to the realities of his awesome responsibilities and is interested only in perpetuating himself. He doesn't seem to share the feeling of national shame that has come following the imposition of military rule – the loss of liberty and the longing to restore national prestige. The nation is breaking down. It has become ungovernable and would remain so as long as General Musharraf remains in power.

God save Pakistan. I have never prayed, "God save Pakistan", with more heartfelt fervour. You can feel the deep apprehension brooding over all. The proverbial little cloud no longer than a man's hand has already formed over the Pakistani scene. The country is in the grip of a grave political and constitutional crisis. General Musharraf is leading the country to a perilous place. Thanks to our political leaders, Musharraf's authoritarian rule is fast acquiring the mantle of legitimacy and permanence. There is no one to restrain him.

It is unnerving to realize that General Musharraf is going to be with us for an indefinite period of time. Grinding our teeth, we have been reduced to the role of spectators.

A pall has descended on the nation and we are fast approaching Arthur Koestlers' Darkness at Noon. At this time, all those, in the country or abroad, who see the perils of the future must draw together and take resolute measures to secure our country. 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 speak up and say Enough is Enough. All have lofty ideals, hopes, aspirations, desires, which produce no visible or durable results, like old men's passions ending in impotence.

Today, there is only one measure by which people appraise their leaders in these troubled times: the degree to which they stand up to despotism. Many questions rush to mind. Why can't the opposition unite around one single irrevocable purpose: end of military rule before free, fair, impartial elections can be held, a neutral interim government, restoration of the un-amended 1973 Constitution? Why can't they make a solemn commitment never to parley, never to negotiate with any military usurper, and never to allow anything to cause the slightest divergence of aim or slackening of effort in their ranks? Why can't they form a grand alliance against the military dictator? Why don't they resign en bloc end this charade? Why are they sticking to their seats in a rubber stamp parliament? Why? The answer is simple. To such as these leaders, talk of resisting despotism is as embarrassing as finding yourself in the wrong clothes at the wrong party, as

tactless as a challenge to run to a legless man, as out of place as a bugle call in a mortuary. Why is tyranny retreating elsewhere and not in Pakistan? The reason is that, unlike Pakistan, they had leaders who loved liberty more than they feared persecution. They did not dread persecution.

One thing is clear. Tyranny is not abandoned as long as it is served by a modicum of those two enormous and dreadful powers: the apathy of the people and organized troops. It is going to be an uphill task. There is no doubt about that. The lesson of history is that you almost never succeed in bringing freedom back in a country that has lost it. If you do succeed, it is almost always the result of a war – it seldom happens that a nation oppressed by dictatorship finds a way to liberate itself without a war. This is true, but history always has new developments up its sleeve and sometimes satisfying ones. A single voice – a voice that has credibility as the voice of the anger of the people and its will to resist, can break through the conspiracy of silence, the atmosphere of fear, and the solitude of feeling politically impotent.

“Do you think that history is changed because one individual comes along instead of another”, Oriana Fallaci asked Willy Brandt. “I think that individuals play a definite role in history”, Willy Brandt replied, “But I also think that its’ situation that makes one talent emerge instead of another. A talent that already existed...If the individual and situation meet, then the mechanism is set off by which history takes one direction instead of another”. Today Pakistan is ripe for profound changes. When a nation is in crisis, it needs a man to match the crisis. Cometh the hour, cometh the men. The voice of history beckons Benazir and Nawaz Sharif to play their historic role. Blessed are those who return to lead the people to victory. If they fail to respond, the hour will find the man.

## **In the Line of Fire by Pervez Musharraf**

### **A Review**

Presidential memoirs, written by military rulers, have become somewhat of a tradition ever since General Ayub Khan, the first military ruler of Pakistan, wrote "Friends not Masters". In fairness to Ayub Khan, it must be said to his credit that he formally sought and obtained permission of the Government of Pakistan for making use of official documents. He duly recorded his obligations to the Government of Pakistan in the Ministry of Foreign Affairs and the Cabinet Division in permitting him to make use of official documents.

Ayub was aware of what he was doing. "It is not customary", Ayub Khan wrote, "for a man in office to write his life story. Apart from the limitations imposed by the consciousness of responsibility, there is always a danger that any suggestion of success would be interpreted as image - building".

President Musharraf, following Ayub Khan's example, decided to write his biography, while still in office, with painful candor. Why? His reply: "There has been intense curiosity about me and the country I lead! I want the world to learn the truth", he wrote. Truth, President Musharraf knows, is buried in secret and confidential documents stored in the archives of Cabinet Division, Foreign Office and GHQ, not accessible to ordinary mortals. It can, therefore, be assumed that General Musharraf consulted a great mass of official papers and record of his administration to revive and check his memory of events. Musharraf and his staff must have worked day and night, researching files, checking facts, and jogging memories. It is inconceivable that situations and conversations, long forgotten, have been resurrected and reconstructed from memory alone.

Many questions come to mind. Why was the Book published, in clear violation of the oath of Office of the President and provisions of the Official Secrets Act? Why was permission for the use of official material not obtained? Why is the use of official papers not even acknowledged as President Ayub had done? What was the irresistible compulsion to publish the Book now? All these questions demand straight answers.

The appearance of General Musharraf's memoir, "In the Line of Fire" all the hype notwithstanding, has not been one of the most eagerly awaited publishing events in recent history. If there was any sense of anticipation; it has not been justified, as the book now shows. Is "In the Line of Fire" a memoir or an

autobiography? It is common knowledge that memoir, while it inevitably reveals much of the tastes and character of the writer, is primarily focused on outward happenings and on other persons. In autobiography, the focus is primarily on the self rather than on outward events. "In the Line of Fire" is basically a work intensely revealing of the mind and personality of its author. It is a highly egotistical, self-centered, self-serving, and self-righteous account of the career of a General with no military victories to his credit. Most of the time, the author talks about himself, his dubious contribution to history and his place in history. It is also by no means a first - hand portrayal of the great world events the author witnessed or the high dignitaries and world personalities he came in contact with. No wonder, we see no riveting accounts of the great and critical historic events of President Musharraf's seven long years in power. To call it a memoir is a misnomer. It is a badly written autobiography, sans gravitas, obviously written by the author himself, not ghost-written by a professional biographer.

Generals, they say, don't read history. They make history. General Musharraf certainly made his contribution to the history of this sad country when he toppled an elected Prime Minister and derailed the political process in democratic Pakistan. He is now in the Line of Fire, fighting a proxy war on "terror" in his own country, killing and incarcerating his own people in return for bounty and American support to keep him in power. "In the Line of Fire" is certainly a window into contemporary Pakistan - under army rule for the fourth time, ill-led, ill-governed, deeply divided, rudderless, adrift, lacking direction, at war with itself - and what is more important, President Musharraf's role in shaping it. It is compulsory reading for anyone interested in this sordid chapter of our chequered history. Anyone who wants to know what happens to a country when a General topples a civilian government and captures political power; when ambition flourishes without proper restraint, when absolute power enables the ruler to run the country arbitrarily and idiosyncratically, when none of the obstacles that restrain and thwart democratic rulers stand in his way, well, he must read General Musharraf's "In the Line of Fire" for enlightenment. Whoever advised General Musharraf to write this book is no friend of his. He is certainly, no friend of Pakistan. It has opened a Pandora's box and a can of worms - a process that will inevitably generate unmanageable problems for Pakistan with unpredictable consequences.

## **Time to Wake up**

Greatly alarmed at the current state of affairs in the country, we, the undersigned, members of civil society, are addressing the people of Pakistan who are the fount of power and source of all authority in our country.

48 years after the first military coup, we are back to square one. Today we feel ourselves unable to look our children in the eye, for the shame of what we did, and didn't do during the last 59 years. For the shame of what we allowed to happen? Pakistan is under military rule for the fourth time and is going downhill. Civil society lies at the feet of the army. At a time when leadership is desperately needed to cope with matters of vital importance and put the country back on the democratic path, Pakistan is ruled by a General in uniform who lacks both legitimacy and credibility.

Seven years after General Musharraf toppled an elected government and captured political power, the nightmare is not over yet. The result is the mess we are in today. A sense of defeat hangs over Pakistan. Today Pakistan has a disjointed, lopsided, topsy-turvy, hybrid political system – a non-sovereign rubber stamp parliament, a General in uniform as “President”, and a figurehead Prime Minister – General Musharraf's calls “pure democracy”. The people of Pakistan did not deserve this government because they had no choice in the matter.

The bottom line is becoming inescapable: thanks to corrupt, unprincipled politicians, ever ready to do business with the military ruler, General Musharraf will continue to rule 160 million people of Pakistan as a dictator with a democratic façade. His authoritarian regime, far from being temporary will, unless checked in time, acquire the mantle of legitimacy and permanence. It is impossible not to feel and express outright contempt for General Musharraf's dubious program of transition to civilian rule. The process of self-entrenchment is blatant enough.

The foundations of the 1973 Constitution have been shaken by a power-hungry General with the help of corrupt politicians and a pliant judiciary. In furtherance of his political ambitions, General Musharraf defaced, disfigured and mutilated the Constitution in violation of the condition imposed by the Supreme Court. He has turned the parliament and the judiciary into a fig-leaf for unconstitutional and illegal practices. And last but not least, he reneged on his promise to give up the post of Army Chief and doff his uniform.

In an effort to acquire political support, General Musharraf, the Chief of Army Staff, has openly identified himself and the Pakistan army with one political party. The Pakistan army is a people's army. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. It is the only shield we have against foreign aggression. It is the only glue that is keeping our fragile federation together. Why politicize it? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power? Today the biggest single burning issue before the country is this: How to reclaim the army from its abuse by a power-hungry junta who want to use it as an instrument for retaining political power.

Instead of extricating the army from the Waziristan quagmire where the American-led war against "terrorists" has resulted in the killing of innocent men, women and children, including security personnel, and the permanent alienation of Wazir and Mahsud tribesmen, General Musharraf jumped into the Baluch quicksand and opened a second Front against his own people in Baluchistan resulting in the tragic death of Nawab Akbar Khan Bugti, Head of Jamhoori Watan Party and several of his companions. Not surprisingly, the Federation is bursting at the seams. Provincial disharmony is at an all time high.

The much trumpeted accountability is a farce. Today, known corrupt holders of public office are General Musharraf's political allies and members of his cabinet.

The economy shows little perceptible sign of recovery. Poverty has deepened. Educated unemployment is on the rise. 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.

It is now abundantly clear that free, fair and impartial elections cannot be held in this country, if General Musharraf remains in power. Therefore, anyone who thinks the promised General elections in this country will be free and fair or that General Musharraf will transfer total power to the elected representatives of the people and go back to the barracks, must have his head examined.

We believe that Pakistan cannot survive except as a democratic state based on the principle of sovereignty of the people. Pakistan cannot survive except under a constitution which reflects the sovereign will of the people, not the whims of one individual person. Pakistan cannot survive except under a system based on the supremacy of civilian rule. Pakistan cannot survive except as a federation based on the willing consent of all the federating units. Pakistan cannot survive if the rule of law gives way to the rule of man. Pakistan cannot survive under military rule, with or without a civilian façade, because military rule lacks legitimacy and is an anachronism in the 21st century.

There are times in the life of a people or a nation – when the political climate demands that we overtly take sides. We believe that such times are upon us. A time bomb is ticking in Pakistan. The country is in deep, deep trouble. General Musharraf is not in tune with the zeitgeist of Pakistan. There comes a time when people get tired. We say today to those, who have ruled us so long without our consent, that freedom from army rule is not negotiable; that their interest and the interest of Pakistan do not coincide, that we are tired of military rule, tired of tyranny, tired of being humiliated, tired of being deprived of our right to elect our rulers. We say to them: enough! enough! We can't take it anymore. We are at the last quarter of an hour. The cup of endurance is about to run over. We have no alternative but to stand up and fight. If we succeed, and God willing we shall, we may get a new Pakistan – free, open, democratic, proud. A dynamic, developed, and steady country, standing on its own feet, in control of its destiny, genuinely respected by its neighbours and the democratic world. A country with a future. Another country. The lesson of history is that tyranny is not abandoned as long as it is served by a modicum of that enormous and dreadful power: the apathy of the people. We can wake up today or we can have a rude awakening sooner than we think.

1. Sher Baz Mazari
2. Justice (Retd.) M. A. Samdani
3. Justice (Retd.) Tariq Mahmood
4. Hamid Khan, Former President Supreme Court Bar Association
5. Dr. Pervez A. Hoodbhoy
6. Dr. Kaiser Bengali
7. Ahmad Faraz
8. Mairaj Muhammad Khan
9. Masood Mufti, Civil Servant (Retd.), Author
10. Barrister Baachaa
11. Ambassador Amir Usman
12. Ambassador Mansoor Alam
13. Safdar Siddiqui, Author
14. Roedad Khan, Civil Servant (Retd.), Columnist, Environmentalist
15. Syed Shahid Hussain, Civil Servant (Retd.), Columnist

## **The Nightmare years 1999 – 2006**

On October 12, General Musharraf was pushed into history and assumed an awesome responsibility. Now that he was in power, all eyes were riveted on him. 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 performance and that his military rule was qualitatively superior to civilian rule. Unlike his democratic predecessors, he commanded absolute power and had no excuses. He enjoyed the advantages of total power without any of its responsibilities. There was no reason why he could not challenge and demolish, brick by brick, the corrupt system he said he had inherited. Nothing prevented him from bringing about an egalitarian economic and social order. He had a golden opportunity. He squandered it. The last seven years of his rule will, therefore, be remembered "as the years that the locust hath eaten". Not surprisingly, the first draft of history is not very comforting to General Musharraf.

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 judgment 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. By the end of the first 12 months of General Musharraf's rule, it became abundantly clear that he was no different from his military predecessors. Yon General had deep political ambitions.

Sometimes, once in a long while, you get a chance to serve your country. Few people had been offered the opportunity that lay open to General Musharraf. He blew it. He has been in power for seven long years and must be held to account now. Those who hold power and shape the destiny of others should never be judged in a moment of misfortune or defeat. If seen as a corpse hung by the feet, even Mussolini could arouse some pity. They must be judged when they are alive and in power. At the heart of leadership is the leader's character. He must always walk on a straight line. Honour and probity must be his polar star.

People will entrust their hopes and dreams to another person only if they believe him, if they think he is a reliable vessel. His character – demonstrated through deeds more than words – is at the heart of it. General Musharraf would fail all these character tests. All presidents are opposed, of course, and many are disliked, but few suffer widespread attacks on their veracity. General Musharraf is one of those few. A few days after the 1999 coup, Musharraf's spokesman, Brig. Rashed Qureshi insisted that, "while others may have tried to hang on to power, we will not. We will make history". Musharraf agreed. "All I can say", he assured a television interviewer in January 2000, "is that I am not going to perpetuate myself – I can't give any certificate on it but my word of honour. I will not perpetuate myself". That was more than six years ago!

Seven years ago, ruthless accountability of corrupt holders of public office was on top of General Musharraf's agenda. What prevented him from making good on his promise to arrange for the expeditious and ruthless accountability of all those who bartered away the nation's trust and plundered the country's wealth? The accountability process has become a farce and is now used as an instrument for victimization of political opponents. On the other hand, known corrupt holders of public office are now his political allies and members of his cabinet.

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

General Musharraf's presidency will go down in history as a case study in the bankruptcy of military leadership. The earthquake in Azad Kashmir ended the leadership myth which was already fading as the operation in Waziristan dragged on. In such a situation, people want and expect more of a personal connection. That did not happen. People still remember how General Azam handled the flood crisis in East Pakistan. He struck a human chord and won over the hearts of the people of East Pakistan. They loved Azam and still remember him with affection. In stark contrast, General Musharraf looked so cold, so

unconcerned, so indifferent, so distant, so wooden and so bureaucratic. His handling of the crisis was horrendous. All the evidence points, above all, to a stunning lack of both preparation and urgency in the President's response. Nothing about the President's demeanor – which seemed casual to the point of carelessness – suggested that he understood the depth of the crisis.

There is a graveyard smell to Pakistan these days, the fumes of democracy in decomposition. It is sickening. Seven years of army rule has reduced us collectively to a plantation of slaves. Pakistan is spiraling into the abyss. Our entire political system has been pulled into a black hole. Public criticism of the generals ruling Pakistan has become widespread. The army, once held in high esteem, is now being seen in a different light.

Army rule has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. The result is the mess we are in today. The country appears to be adrift, lacking confidence about its future. Never before has public confidence in the country's future sunk so low. Isn't it ironical that while Pakistan is going down the tube, General Musharraf believes that he has carved a niche for himself in the Pantheon of world heroes? "I want to be remembered in history as the Saviour of Pakistan"!, he said in a PTV program recently. God has endowed General Musharraf with many qualities but modesty is certainly not one of them. Would that Heaven, which gave him so many gifts, had given him modesty.

How will history remember General Musharraf? Its verdict will be that he capitulated under American pressure and compromised national sovereignty; that Pakistan lost its independence and virtually became an American colony during his Presidency; that he subordinated national interests to his political ambitions; that he inducted the army into the politics of Pakistan; that he used it as an instrument for capturing and retaining political power; that in the process he did incalculable harm to the army and to the country; that he was no crusader; no Tribune of the people; that he was no enemy of those who looted and plundered the country; that he joined hands with the corrupt and discredited politicians to acquire political support; that he held a dubious Referendum so that he could rule another five years; that he allowed blatant, flagrant use of the administration and official machinery in support of the King's party; that he turned the Parliament, the embodiment of the Will of the people, into a rubber stamp; that he broke faith with his people; that he denied them their constitutional right to elect their President; that he defaced, disfigured and mutilated the constitution in order to perpetuate his rule; that he failed to honour his public commitment to give up his post as Chief of Army Staff and doff his uniform; that he promised a great deal and delivered very little.

History will doubtless charge General Musharraf with a number of sins of omission and commission and its judgment will be harsh. On the central accusation – that he toppled an elected government, arrested the Prime Minister and suspended the constitution, he will be held guilty. Removing an elected Prime Minister from office is a decision that belongs to the people of Pakistan, not an ambitious army General.

“The only guide to a man is his conscience”, Churchill once said. “The only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations, but with this shield, however the fates may play, we march always in the rank of honour”. General Musharraf has no such shield to protect his memory. He lost his credibility when he reneged on his promise to give up his post as Chief of Army Staff and doff his uniform. His veracity is shattered and lies in ruins. If you have credibility and veracity, nothing else matters. If you have no credibility and no veracity, nothing else matters. The lesson of history is that without credibility and veracity, no ruler can govern because nobody believes him. No wonder, Pakistan is such a terrible mass.

The Pakistan Mr. Jinnah founded is gone. It disappeared the day power – hungry Generals used the army as an instrument for grabbing political power and hijacked Pakistan. On that day, the lights went out. Pakistan slid into darkness. The years General Musharraf remained in power will go down in history as “the nightmare years”. The nightmare is not over yet.

## **Ghulam Ishaq Khan - Friend without Price**

I heard the sad news of the passing away of President Ghulam Ishaq Khan in Bahrain. His death marks the end of an epoch. Pakistan has lost a great patriot, a distinguished civil servant, and I have lost my best friend. We were more than friends; we were soul mates, finding in each other's company the kind of understanding, stimulation and support that come along too rarely in life. Ghulam Ishaq Khan departed in the spirit of the man who said, "I am surrounded by my family. I have served my country, I am ready to meet my Creator and I am not afraid of the Devil".

I first met Ghulam Ishaq Khan in Bannu in 1941 in the company of my father. A year earlier, he had joined the prestigious Provincial Civil Service (Executive Branch). Three things about Ghulam Ishaq Khan struck me straightaway: He was very handsome, very shy and immaculately dressed in western clothes.

Three years later, I met GIK in Haripur, a sub division of Hazara district in those days. Ghulam Ishaq Khan was now extra Assistant Commissioner and I was on my way to Abbotabad to take up my first job as a lecturer in history. I spent two delightful days in his company at his house located on the main Haripur – Abbotabad road. I always think of Ghulam Ishaq Khan every time I drive past this area.

Whenever I was in Peshawar, I would drive to Islamia College to stay with GIK. He was specially selected by the Governor, Sir George Cunningham, and deputed as bursar to Islamia College to straighten out its financial problems. In my mind's eye, I can still see him sitting on a sofa in front of a roaring log fire on a cold wintry morning, dictating lengthy reports on the finances of the institution.

We were both in Srinagar around August 14, 1947, the Dawn of independence. The fate of Kashmir hung in the balance. While driving through Srinagar, Ghulam Ishaq Khan would, every now and then, ask the driver to slow down. He would then address the nearest Kashmiri and ask him to shout "Pakistan Zindabad", and pay him a rupee! When we returned to Mansehra, there was an urgent message awaiting him. He was directed to take over as Secretary to Khan Abdul Qayyum Khan, Chief Minister of the NWFP.

On September 10, 1948, I went to Peshawar to collect some books in preparation for the Civil Service examination. I stayed with Ghulam Ishaq Khan at his official residence on North Circular road. Early next morning, we heard the sad news of the passing away of Quaid-I-Azam Muhammad Ali Jinnah. GIK accompanied

Qayyum Khan to Karachi to attend the funeral. With a heavy heart, I left for Mardan on my way back to Swabi where I was posted as a sub-Judge.

In 1953, I was posted as Registrar Cooperative Societies, NWFP. Ghulam Ishaq Khan was my Administrative Secretary. I knew nothing about cooperative societies and cooperative banks, but Ghulam Ishaq Khan was always there to help, guide and assist. From 1966 onwards, both of us reverted to the Federal government. We used to meet two or three times a week, generally at Ghulam Ishaq Khan's residence in Islamabad. I have fond memories of animated discussions over endless cups of tea with Ghulam Ishaq Khan. Together we saw the rise and fall of first Ayub Khan, then Yahya Khan and subsequently the tragic end of Prime Minister Zulfikar Ali Bhutto. We were not always in agreement in our assessment of the principal characters in the tragic drama which was unfolding before our eyes; but our discussions were totally honest and uninhibited. Ghulam Ishaq Khan knew that I wanted nothing from him and he did not have to be on guard in my company. I think my old-shoe quality helped him relax. We would spend hours swapping stories, gossiping, reminiscing, talking about anything and everything.

GIK reached the top after a stellar career. I was witness to his meteoric rise to the highest position that a civil servant could aspire to. As Finance Minister, Ghulam Ishaq Khan exercised veto power in all matters having financial implications. At times, President Zia disagreed with Ghulam Ishaq Khan but he rarely overruled his Finance Minister whom he held in high esteem.

'It is amazing how a sudden, unexpected, unforeseen turn in the road can', in the words of Ronald Reagan, "lead you a long way from where you intended to go – and a long way from where you expected to go". For Ghulam Ishaq Khan, this unexpected turn in the road occurred one day in May 1985. When the green telephone in his office rang in my presence. Ghulam Ishaq Khan picked up the receiver and from the sudden change in his tone and his responses, I realized that President Zia was on the line, offering him the Chairmanship of the Senate, the number two slot in the hierarchy, next only to the President. It was quite obvious from the way Ghulam Ishaq Khan reacted that he was taken by surprise, a little hurt, and not at all impressed by the offer. Neither of us realized how this unexpected turn in the road would affect his career and the future of the country.

Three years later, GIK filled the void left behind by the tragic death of President Zia. Either by luck, happenstance, divine grace or intervention, the nation's constitutional process had produced an unexpected President who was right for the moment. The perfect man and a perfect job had found each other. Ghulam Ishaq Khan became President not because he was popular with the people, not

because he campaigned for the job, but because of his character, his ability, his experience, his integrity and his trustworthiness.

Ghulam Ishaq Khan, the Schultz – look alike bureaucrat, as Emma Duncan described him, was a hard working man of great personal integrity and incorruptibility. No other President, with the possible exception of Zulfikar Ali Bhutto, worked harder or worked longer hours. Sometimes he seemed excessively technocratic, wooden, humorless, lacking political passion. He was the most fiercely independent of all our Presidents, especially in his dealings with the Americans. If only people had known how he used to take on the Americans and how jealously he guarded our nuclear programme, public perception of his record might have been different.

Some seek power and wealth, others romantic love or other indulgences. Some want to be great. Ghulam Ishaq Khan had no such ambitions. He was by and large a private man, uncomfortable with celebrity and rarely in search of it. There was about him a sense of selflessness, of not playing to the galleries. Fame embarrassed him, but it hounded him for most of his life. He relished power, to be sure. Yet he did not crave power merely to possess it. Virtues that now seem almost quaint, such as integrity or placing loyalty over ambition, were to GIK almost commandments.

Ghulam Ishaq Khan was never over-awed by the khaki. On one occasion in the course of a heated argument with a General in a Cabinet meeting, GIK, responding to the General who never tired of making snide remarks about his meteoric rise, said by way of retort: “General, what you are, you are by the accident of martial law; what I am, I am of myself”.

GIK had both gravitas and unpretentious humor. No one met him without realizing that he possessed a powerful mind, quick to grasp facts. He 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. In his meetings with civil servants and foreign dignitaries, he was the best-informed, best prepared and most articulate person. He was a man who did not merely respond to the system: he dominated it.

Ghulam Ishaq Khan never liked the press. He was insensitive to the news media. Naturally he was not popular with the press. Till the end, he didn’t know how to handle journalists. He paid dearly for it. He abhorred publicity and never sought to enhance his role for popular consumption. He shied away from self-promotion.

In GIK’s view, the first responsibility of a President was to promote national security. Even his worst detractors would admit that Ghulam Ishaq Khan never

compromised on national security. This is evident from the minutes of his meeting with Reginald Bartholomew, US under Secretary of States for International Security on November 1991. GIK stood his ground. He did not succumb under American pressure and did not compromise national sovereignty. After this fateful meeting, I knew Ghulam Ishaq Khan's fate was sealed.

It is too early to sit in judgment on Ghulam Ishaq Khan. "Big men when they leave the Presidency are often dismissed and derided for years before we see their true dimensions. You need distance before you can see how big the mountain is; up close, a mountain is just a mass, but take sometime and travel away from it and you can turn back and see how big it was". Ghulam Ishaq Khan never thought he was big and he never pretended that he wanted to do big things.

GIK did not lose sleep over what his detractors said about him or his record. He was more than willing to submit his actions to the judgment of time. Ghulam Ishaq Khan always said that history would be the final judge of his performance and had no doubt that what he had done would stand the test of time. If he was blasted by the press or his decision to sack Nawaz Sharif overturned by the Supreme Court, these were not his main concerns: what matters – or ought to matter according to him – was what was best for the country.

Ghulam Ishaq Khan's greatest asset was the courage to do what he thought was right, despite the political consequences. To that I would add incorruptibility. Truman once said, "it takes one kind of courage to face a duelist, but it is nothing like the courage it takes to tell a friend no". Ghulam Ishaq Khan had that kind of courage. He put on no airs, he wore no mask: what you saw was what you got. He spoke his mind and, in the process, made many enemies but also some friends. He always knew where he was going and did not much care what anyone else thought. In that sense, he was not a politician, because politicians hide their inner personalities. Ghulam Ishaq Khan never wanted nor even made any effort for people to like him.

He was a loner from the start. Contemptuous of politicians, he always remained aloof from them. He was not cut out for the maneuvers and cut and thrust of parliamentary democracy. The simplicity and austerity of his personal life and living habits, the lack of pleasure, diversions and humor, made communication difficult with him. He never permitted any intimacy, friendship or informality, except with very few of whom I am proud to say I was one. Ghulam Ishaq Khan was at times too forgiving of the ambitions and game-playing of some of the people around him and was loyal to some who did not deserve it and who did not return his loyalty.

When Ghulam Ishaq Khan ended his career as a civil servant, he was almost a paragon of virtue. The salient features of his character included patriotism, devotion to duty, financial and moral integrity, intellectual honesty, modesty and humility. Did all these virtues survive the poundings, the rough and tumble of politics and the lure of power? In the opinion of his detractors, it cannot be said that during his presidency, virtue was always rewarded or corrupt and dishonest punished.

“In a President character is everything”, Peggy Noonan writes in her assessment of Ronald Reagan. You can’t rent a strong moral sense. You can’t acquire it in the Presidency. You carry it with you”. Ghulam Ishaq Khan carried both decency and courage to the Presidency. He did not acquire these qualities in the Presidency.

“Governments can err. Presidents do make mistakes”, Franklin D. Roosevelt told the 1936 convention, “but the immortal Dante tells us that Divine Justice weighs the sins of the cold-blooded and sins of the warm-hearted in different scales”. Time would show how Divine Justice would weigh GIK. Speaking from long and close personal association, I can testify that, behind his stern and forbidding appearance, was a rather kind hearted person, loyal to his friends and colleagues. His chief priority always was the defence of our national interest as he saw it. He had a vision of the future of Pakistan. His vision was of a truly dynamic Islamic society, with its emphasis on social justice and accountability. He failed to turn the tide not because he lacked the courage and the heart to see it through, but because he walked alone and did not have the power. His vision therefore, remained a poignant dream.

## **The Bajaur Cover up**

The long winter of our discontent grinds on. General Musharraf, the American surrogate in Pakistan, is busy killing his own people in the so-called war on terrorism in our tribal territory. Please, General Musharraf, spare us your rhetoric about the war on terror. It is just so phony, such a patent ploy to divert attention from the fact that you usurped power seven years ago. Just when you think our situation couldn't possibly get worse, General Musharraf manages to get it down another notch. In an attempt to protect the real culprits, he has blatantly accepted responsibility for the October 30 American air strike on Zia ul Islam Madrassah in Bajaur, killing 80 people including several children. General Musharraf thinks we Pakistanis are too gullible, too easily deceived, too stupid. I, for one, don't think we are all that gullible or stupid. Everyone knows who the real perpetrators of this dastardly crime against humanity are. Everyone knows that the air strike was carried out by fixed-wing US drones. Given your track record, General Musharraf, why should the nation believe you? Why blame the Pak army for a crime it did not commit? Why create hatred and disaffection against the army? What could possibly be more injurious, more insulting, more damaging to the image of our men in uniform than holding them responsible for killing their own people in Bajaur, when everybody knows who the real culprits are?

All accusing figures point straight in the direction of George W. Bush. The October 30 strike will go down in our history as a black day, a day of infamy, a day when every self-respecting Pakistani must hang his head in shame. On that day, thanks to General Musharraf, America's war on terror reached Chinghai, a sleepy little village in Bajaur. Missiles rained down killing 80 persons. In the early hours of the morning, innocent blood was spilled in pursuit of Bush's ambitions and nightmares. It was not an isolated incident. It was the second such strike by US forces in Bajaur. Dead bodies lay all around the madrassah – victims of tragic and diabolical American aggression. There was no "collateral damage" this time! Call it a massacre if you like, but it was a crime against humanity. There was no Al Zwahiri in Chinghai village. There were no weapons of mass destruction there, just as there were no weapons of mass destruction in Iraq.

Many questions rush to mind. Why are independent investigators and journalists not allowed to enter the area? Were the so-called militants armed at the time of the air strike? If not, why was the air strike resorted to? Were they engaged in the imminent commission of any offense? Was air strike absolutely unavoidable?

Was it the only way to prevent the commission of crime? Why couldn't they be arrested? Is it correct that tribal elders from Mamond area, where the madrassah was located, were scheduled to hold a meeting to finalize an agreement with the government not to harbor local or foreign militants? Is it correct that an agreement had already been drafted by aides to the Governor NWFP? Is it correct that United States is opposed to peace agreements with the so-called militants whether in Waziristan or Bajaur? Is it correct that the air strike was intended to preempt and sabotage the agreement? Who ordered the air strike? General Musharraf or American civil or military leadership in collusion with General Musharraf? It won't be easy to get honest answers to these questions because this administration practises obsessive secrecy and suppresses truth. Since it is hard to bring the truth to the fore in this country and much is covered by mud and disinformation, is the military government prepared to hold a high level judicial inquiry to ascertain the truth?

"The oriental doesn't put the same high price on life as does a Westerner. Life is plentiful, life is cheap in the orient", one of the most important things General Westmoreland ever said. No wonder, General Musharraf had no hesitation in acquiescing in the killing of innocent Pakistanis by trigger happy Americans. This cold-blooded murder of 80 unnamed, unarmed innocent citizens of Pakistan cries out to heaven for vengeance.

We are a nation founded on laws and rules. What General Musharraf has done is essentially to throw away the constitution and the rule book and say that he is beyond the law, beyond scrutiny, totally unaccountable.

No one in this country, including the state, has the right to kill anyone except by the authority of law. The law does not give General Musharraf the power to kill a person just because he calls him a militant or a terrorist. It is not the function of the President or the Chief of Army Staff to hold a person innocent or guilty.

That is a matter for the courts to decide. The constitution states, "No persons shall be deprived of life save in accordance with law". Why was this constitutional requirement not complied with on October 30? The constitution states, "Every citizen shall have the right to assemble peacefully...". All the citizens who lost their lives in the air strike were merely exercising their constitutional right to assemble. They were unarmed.

They were not members of an unlawful assembly. They had violated no law. Why were they killed?

For his involvement in the cover up of the Watergate scandal, President Nixon was forced to resign and hounded out of the Oval office. Twenty-five people

were sent to prison because of the abuses of his administration, and many others faced indictments, including two attorneys general of the United States and several top officials of the White House. After the fall of Nixon, David Gergen, a White House advisor to President Nixon wrote, "the received wisdom is that Watergate teaches us two basic rules about politics. One, never elect a man of low character to high office. Two, if a President and his team do make an egregious mistake, a cover up is always worse than the crime".

General Musharraf alone will be held accountable for the cover up of this carnage, this wreckage of lives on his watch. The legal position is quite clear. He is subject to the same criminal liability as an ordinary civilian. He may, therefore, be put on trial before any competent "civil", i.e. non-military court for any offense for which he would be triable if he were not subject to military law. His military character will not save him from standing in the dock in a civil court on the charge of murder. He cannot, anymore than a civilian, avoid responsibility for breach of the law by pleading that he broke it in the interest of national security. "May be, that on account of his holding the coercive apparatus of the state, the people and the courts are silenced temporarily. But as soon as the first opportunity arises, when the coercive apparatus falls from his hands, he should be tried for murder and suitably punished".

## **Musharraf at War**

Sometimes rulers become so addled, so corrupt, so arrogant, they need to be punished. This is what has just happened in America. The American people spoke – loud and clear. The midterm election was a truly stunning victory for the Democrats. It wasn't just the end of the road for the Bush's reign of errors, lies and deceit. It was a referendum on his conduct of the Iraq war. Elected leaders are expected to heed the will of the people. Bush was forced to change course.

General Musharraf has no such problems. He does not derive his power from the ballot box. He owes everything to his uniform and his "special relationship" with Bush. No one, with the possible exception of Tony Blair, has been a better bedfellow for Bush than Musharraf. He joined the "coalition of the coerced" without consulting his people. He de-recognized the pro-Pakistan Taliban government. He placed our air bases at the disposal of Americans to help them in their war of aggression against the people of Afghanistan.

He alone decides questions of war and peace on behalf of 160 million people of Pakistan. He can afford to brush off all criticism of his policies as either misguided, politically motivated, or downright disloyal to Pakistan.

These days General Musharraf is busy killing his own people in the proxy war in Waziristan and Bajaur – a war that is hard to win and harder to justify to the people of Pakistan. It has turned into a sucking chest wound for Pakistan – infecting national unity and threatening the very survival of the country. Musharraf, the embodiment of this administration's aggressive approach to the so-called war on terror, has on his hands the blood of thousands of Pakistanis – all those who have died and will die in this misbegotten war. And the war's end remains far out of sight. Musharraf has become the face of this failed war in the tribal area.

Where is General Musharraf taking Pakistan? I am uneasy about where we are and where we are going. I search my memory in vain, and find nothing sadder or more pitiable than that which is happening before our eyes these days. Everything we care about is vanishing. I feel as if, I were in a car that had lost its steering. Pakistan is spiralling into the abyss. The country is ruled by a General who lacks both legitimacy and credibility, seems oblivious to the realities of his awesome responsibilities and is interested only in perpetuating himself. Our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. Public criticism of the generals ruling Pakistan has become widespread. The army, once held in high esteem, is now

being seen in a different light. The war in the tribal territory, the killing of innocent men, women and children, has created hatred and disaffection against the army. Pakistan is at war with itself.

It is been seven years since General Musharraf captured political power in a military coup. The end of his rule is nowhere insight. The nightmare is not over yet. Today military rule is discredited, unwanted and mistrusted. The nation is breaking down; it has become ungovernable and would remain so as long as Musharraf remain in power, with or without uniform. It is impossible not to feel and express outright contempt for General Musharraf's dubious program of transition to civilian rule. The process of self-entrenchment is blatant enough. No dictator gives up power voluntarily or peacefully. That is the lesson of history. There will be a Presidential election in Pakistan in 2007 and it will almost certainly be a farce.

Anyone who thinks the promised General elections in this country will be free and fair or that General Musharraf will transfer total power to the elected representatives of the people and go back to the barracks, or resume playing golf, must have his head examined.

The Generals have not taken over Pakistan. We have given it to them. They rule Pakistan not because of their strength, but because we let them rule. The great appear great to us only because we are on our knees. The Generals ruling Pakistan are dancing on a volcano. For what is an eruption of Vesuvius compared to the cataclysm which is forming under our very feet. There is no dynamic now pulling the nation together. All the dynamics are pulling the country apart.

We have come to a critical fork in the road. The time is now near at hand which must determine whether Pakistan is to be ruled by Law or the whim and caprice of one single, solitary person in uniform. Do we wish to remain citizens of a Republic, or do we prefer some form of autocracy in which a General in uniform assures us that things were never as good as they are today and that authoritarianism is good for Pakistan?

Totalitarian regimes ultimately end up fearing their own people more than they fear external threats. For the Generals who rule this country, life has become a bunker within a bunker. They move to and fro upon tigers which they dare not dismount. And the tigers are getting hungry. No wonder, the walls separating them from the people are rising higher and higher.

History is not on the side of General Musharraf. I have seen the rise and fall of military dictators in Pakistan from a ringside seat. When I last met Ayub Khan,

the best of them all, his good star had finally deserted him. The Goddess of Destiny had made up her mind. Destiny had dropped him at last. I saw him enter the twilight which saw his departure in tears from the presidency he once bestrode like a colossus. I saw General Yahya Khan in protective custody after he lost half the country in a disastrous war. Why repeat the same mistakes again? Why go against the current of history? Why involve the army in somebody else's war?

Why involve it in dirty politics again? Why use it as an instrument for capturing political power? It is our only shield against foreign aggression. Why weaken it? Without demilitarization, Pakistan risks revolution.

Why not break with past tradition and follow the straight honest path back to parliamentary democracy? The course Musharraf is on leads downhill. Why follow this tortuous, devious, circuitous road to the abyss and imperil the integrity of the country once again? We have been through the valley of shadows before. Do we have to go through it again?

Today Pakistan look like a bad parody of the miracle we witnessed on August 14, 1947. Look what happened. Look what happened to this young, bold country, so full of passion. How horrible is the feeling that General Musharraf has criminally wasted the great opportunity that history granted him, the opportunity to create an enlightened, properly functioning democratic state. 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 internecine war in our tribal territory must stop. It must stop because it is wrong. It must stop because it is unpatriotic. It must stop because it is not succeeding. And last but not least, it must stop because it is not necessary. With soaring casualties – all Pakistanis – there is just no point hanging around in somebody else's war. The truth is that what General Musharraf is fighting in our tribal territory is not a war on terrorism but a war on our values. Pakistan is in deep, deep trouble and is going down the tube. This President has lost the "mandate of heaven". The 'Wechselstimmung' or the mood for change is unmistakable. This Nation asks for change. And change now. If Bush, the elected President of United States, can change course, why can't Musharraf?

In a democracy, political change is linked to a change of rulers, which occurs regularly and at minimal social cost. The absence of democracy, however, does not prevent a change of rulers. It happens anyway. It takes the form of revolution. Some are "soft" like the velvet revolution in Czechoslovakia in 1989 or the "orange" revolution in Ukraine in 2004. Some are bloody like the October

revolution in Russia or the Iranian revolution. Nobody denies the inevitability of a change of power in Pakistan. It will happen sooner or later.

But when it does happen, it may not be “velvet”.

## The Core Issue

Today the core issue confronting the nation is freedom from army rule, not election under army rule.

Pakistan is under military rule for the fourth time and going down the tube. Jinnah's Pakistan has become a garrison state. Civil society lies at the feet of the army, which has been enthroned as the new elite. After seven years of misgovernment, military rule stands discredited, unwanted and mistrusted. The nation is breaking down and has become ungovernable and would remain so as long as General Musharraf remains in power. Another four years of Musharraf's rule would easily become a life sentence for our struggling democracy. There is the very real danger that the now barely hidden agenda to formalize a military dictatorship would become irresistible.

General Musharraf, the latest military dictator controlling the destiny of 160 million Pakistanis, is out of sync with the spirit of the times. The supreme irony is that he thinks he is a great democrat! "So I will let you speak", President Bush told General Musharraf, "for yourself on the subject, (democracy) though, Mr. President". At this point, General Musharraf stepped in to expound his views on democracy and defend his "democratic" credentials. "Unfortunately, we are accused a lot on not moving forward on democracy", he said. But as I understand democracy, we are a – may I venture to tell what we have done in line with democracy to introduce sustainable democracy in Pakistan. The first ingredient of democracy, I believe, is the empowerment of the people. We have empowered the people of Pakistan now – they were never empowered before – by introducing a local government system where we have given the destiny of their areas for development, for welfare, for progress in their own hands through financial, political and administrative involvement. Also democracy means empowerment of women. It is the first time that we have empowered the women of Pakistan, by giving them a say in the political milieu of Pakistan. We have empowered the minorities of Pakistan for the first time. Then we have empowered also – we have liberated the media and the press. All these people sitting around are the result of my democratization of Pakistan, opening the Pakistan's society of the media – the print media and the electronic media, both.

So, therefore, may I say that we have introduced the essence of democracy now in Pakistan? It has been done now. It never – all these things never existed before. What may be you are talking of is merely the label which probably you are inferring on to my uniform. Indeed, and without saying that you are inferring to it, yes, indeed, that is an issue which needs to be addressed. And I will follow

constitutional norms. Even now I am following constitutional norms where I have been allowed to wear this uniform until 2007 – being in uniform as the President of Pakistan. Beyond 2007, yes, indeed, this is an issue which has to be addressed and it has to be addressed according to the Constitution of Pakistan. And I will never violate the Constitution of Pakistan! So let me assure you that democracy will prevail. Sustainable democracy has been introduced in Pakistan and will prevail in Pakistan, especially beyond 2007. Long answer”. President Bush: “Yes – important answer”.

Earlier, General Musharraf chastised the Washington Post when it editorially demanded democratization. “The Post is not aware of our environment... What is democracy, the Post doesn’t know”. He went on to say: “I myself was elected by a two-third majority of Parliament. I hope the Post knows that is democracy”!

It takes a lot of courage for a military dictator to talk about democracy and empowerment of the people. It was pathetic to watch General Musharraf’s performance, in defence of his “democratic” credentials, in front of the world media. At times, it seemed as if he was in the dock, at pains to defend the record of his “achievements”. I had great difficulty in overcoming the nausea which rose like acid from my stomach to my throat. In the blink of an eye, I suddenly saw General Musharraf as the captain of a sinking ship, the wind of defeat in his hair, it was certainly not his finest hour.

General Musharraf has promised free, fair, impartial elections in 2007. It reminded me of Stalin. At Yalta, he took both Roosevelt and Churchill for a ride when he assured them that he would soon hold free, fair, impartial elections in all the liberated countries in Eastern Europe. When FDR said elections in Eastern Europe had to be beyond question like Caesar’s wife. Stalin said, “They said that about her but she had her sins”. Later he commented: “Those who cast votes decide nothing. Those who count the votes decide everything”. The observation was true of the Soviet system. It is equally true of the “democratic” system presided over by General Musharraf today.

Election – open, free, fair and impartial are the essence of democracy, the inescapable sine qua non. How can we have such elections in Pakistan when the country is virtually under military occupation and is ruled by a General in uniform who doesn’t want to part with power? How can you have free, fair, impartial elections when the President, who is also the Chief of Army Staff, has openly identified himself and the army with one political party? How can we have credible elections in this country when the two mainstream political parties have been decapitated and their leaders forced to live in exile in distant lands. Today the core issue facing the nation is not election. Today the biggest single burning issue before the country is this: How to end military rule? How to put

the country back on the democratic path? How to reclaim the army from its abuse by a power-hungry junta who want to use it as an instrument for grabbing and retaining political power.

It is now abundantly clear, that there can be no free, fair election if General Musharraf remains in power, in uniform or without uniform. Those who think that elected representatives will rise on the morning after “free, fair, impartial elections”, and come galloping on white steeds into the capital, ready to rescue the nation from the tyranny of the Musharraf brigade, should go home, take a nap, wake up refreshed and think again. At this time all those, who see the perils of the future must draw together to take our country back from the Generals. Today freedom from army rule trumps everything. This is the last chance, the last battle.

If we shall not stand out into the streets and shout, the long polar night will descend on Pakistan. A shout in the mountains has been known to start an avalanche. We must shout louder.

Today “Everything seems”, as Goethe once said, “to be following its normal course because even in terrible moments in which everything is at stake people go on living as if nothing were happening”. This is true of present day Pakistan. But the first shot has been fired. The straws in the wind are there. Time will show whether there are enough of them to make a bale of hay. Beneath Pakistan’s placid surface the tectonic plates are shifting. The status quo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless. That is for sure.

## 2007 - The Year of Decision

To no country has fate been more malignant than to Pakistan. This is not the country I opted for in the 1947 Referendum. It is no longer the country of our dreams, our hopes, our pride. Today General Musharraf is waging war on the Pakistan Dream. No wonder, the Pakistan dream has morphed into the Pakistan nightmare. The country is under army rule for the fourth time and going downhill. Pakistan was not created by rifle or saber. Today it has the dubious distinction of playing host to the world's most durable military dictatorship. Dictatorship, veiled or unveiled, is always present in Pakistan. Sometimes it recedes from awareness. Sometimes it rushes to the front. After seven years of General Musharraf's military rule, Pakistan – battered, its pride bruised – is a pretty pessimistic country these days. Today if it were to look into a mirror, it won't recognize itself.

We lost East Pakistan in 1971 because Pakistan was ruled by a military dictator. It is idle to speculate, with the benefit of hindsight, but the war with India, 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, might have been avoided if Pakistan were a democracy in 1971. The politicians, left to themselves, would have muddled through the crisis and struck a political bargain. But for military rule, the history of Pakistan might have been different. The lesson of East Pakistan is that multi-ethnic countries, like Pakistan, are doomed if they are held together by force. Military rule is a recipe for disaster. It sows the seeds of its own downfall because military rule is an anachronism, lacks legitimacy and is doomed to failure. When the history of Pakistan comes to be written, the verdict of history will almost certainly be that military rule, more than anything else, destroyed Pakistan.

Where is General Musharraf taking Pakistan? I believe he is leading this country to a perilous place. Musharraf has broken faith with the people who reposed their trust and confidence in him. He has not leveled with the people of Pakistan. Once he was a good listener. Today he is like an aging relative who refuses to wear a hearing aid. He will do what he thinks, right or wrong, even if he is the only one who thinks it. Today there is no one to restrain him. I search my memory in vain, and find nothing sadder or more pitiable than that which is happening before our eyes these days. Everything we care about is vanishing. I feel as if, I were in a car that had lost its steering. Pakistan is spiraling into the abyss. The country is ruled by a General who lacks both legitimacy and credibility and is interested only in perpetuating himself. Public criticism of the

generals ruling Pakistan has become widespread. The army, once held in high esteem, is now being seen in a different light. The war in the tribal territory, the killing of innocent men, women and children, has created hatred and disaffection against the army. Pakistan is at war with itself.

Where do we stand today? Pakistan is not the country it was seven years ago. Back then, the country was settled, stable, democratic and free. Today, Pakistan is a "rentier state", under military rule, ill-led, ill-governed by a power-hungry junta. Even the most incurable optimists, as some of us are, are deeply worried. 59 years after independence Pakistan has a disjointed, lop-sided, hybrid political system – a non-sovereign, rubber stamp, cowed, timid and paralytic parliament, a powerful President in uniform, a weak and ineffective Prime Minister appointed by the President. Political institutions established at the time of independence are still there, albeit now in anemic form. One by one, all the arguments for Musharraf's rule and dismissal of an elected government are tumbling. They are falling like skittles in a bowling alley. Bit by bit, the foundations of this regime are crumbling to dust. The coup against Nawaz Sharif, the capture of political power by General Musharraf and the imposition of military rule seven years ago, was, in my view, only a holding operation, a postponement of history. It cannot last. History is against it.

Musharraf has promised elections in 2007. Election – open, free, fair and impartial are the essence of democracy, the inescapable sine qua non. But how can we have fair and impartial elections in Pakistan when the country is virtually under military occupation and is ruled by a General in uniform who doesn't want to part with power? What is worse, he is using the Pakistan army as an instrument for retaining political power. How can we have credible elections in this country when the two mainstream political parties have been decapitated and their leaders forced to live in exile in distant lands?

"These are times that try men's souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman" At this time, all those who see the perils of the future must draw together and take resolute measures to take our country back from the Generals. Our moment of truth has arrived. To borrow the prophetic words of Dostoevsky, I, "have a presentiment of sorts that the lots are drawn and account may have to be settled far sooner than one might imagine in one's wildest dreams". We have come to a critical fork in the road. The time is now near at hand which must determine whether Pakistan is to be ruled by Law or the whim and caprice of one single, solitary person in uniform. Do we wish to remain citizens of a Republic, or do we prefer some form of

autocracy in which a General in uniform decides the destiny of 160 million people.

The Generals have not taken over Pakistan. We have given it to them. They rule Pakistan not because of their strength, but because we let them rule. The great appear great to us only because we are on our knees. The Generals ruling Pakistan are dancing on a volcano. For what is an eruption of Vesuvius compared to the cataclysm which is forming under our very feet. There is no dynamic now pulling the nation together. All the dynamics are pulling the country apart. A testing time, critical to Pakistan is now upon us. General Musharraf has been weighed in the balance and found wanting.

General Musharraf is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him. His blunders are too obvious, his behavior is too erratic, his vision too blurred. He has painted himself into a corner. The longer he delays return to full democracy, and the longer he allows the water to rise, the greater the catastrophe that will follow the bursting of the dam. Eventually, the cup of endurance runs over and the citizen cries out, "I can take it no longer". A day will soon come when words will give way to deeds. History will not always be written with a pen. Today Musharraf controls all branches of the government, including the parliament, the judiciary, the armed forces and the electoral authority. The people have no alternative but to push for their demands on the streets. "When the unelected seize the Presidential palaces, democrats seize the streets".

The sooner General Musharraf realizes this, the less costly his eventual departure will be for his people. Meanwhile, the country is gripped by fear and uncertainty. One doesn't have to read the tea leaves for a glimpse of our future. The ship of state is decrepit and creaky. The sea is turbulent. The captain has a weak anchor and no compass. The crew is inexperienced. If the nation doesn't wake up, we will all go down like the Titanic. History will remember both that General Musharraf failed to hear the warning bells and that politicians failed to ring them loudly enough.

"The people of Myanmar live in the darkness of tyranny under military rule", Bush said in Kyoto sometime back, adding, "they want their liberty - and one day, they will have it". When will the people of Pakistan have their liberty, their freedom from army rule? People are getting fed up with tinhorn despots. The people of Pakistan have soured on this "President in uniform". The "commando President's" aura has crumbled.

His star is already burning out. People have crossed the psychological barrier and overcome fear. "If we do not speak, who will speak"? Chairman Mao once said. "If we do not act, who will act"? There are times in the life of a people or a nation – when the political climate demands that we – even the most sophisticated among us – overtly take side. I believe that such times are upon us. There will be no velvet revolution in this part of the world. No dictator gives up power voluntarily or peacefully. That is the lesson of history. The walls of autocracy will not collapse with just one good push. The old order will not go quickly. No doubt, it will be an uphill struggle to reclaim our democracy and fashion it once again into a vessel to be proud of. A single independent voice – a voice that has credibility as the voice of the anger of the people and its will to resist, can break through the conspiracy of silence, the atmosphere of fear and the solitude of feeling politically impotent.

We live in a profoundly precarious country. The current situation is unacceptable. We are finally getting united and beginning to channel this anxiety into action. If young people, in particular, take to the streets – as they have in other countries and as they have in the past in this country – in defence of our core institutions, things will change. The status quo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless. The long nightmare will be over. It will be morning once again in Pakistan. The year 2007 will then be remembered as *annus mirabilis* – a new beginning, a wonderful auspicious year in the chequered history of our country.

## **Our Toothless / Spineless Opposition**

“Amir!”, Quaid-e-Azam told Raja Sahib of Mahmudabad in 1948, “you have no idea of the situation here. I am surrounded by traitors”. Ten years later, Mr. Jinnah’s worst fears came true. General Ayub Khan, C-in-C Pak army, in collusion with Governor General Iskander Mirza, stabbed Pakistan’s fledgling democracy in the back and hijacked Pakistan. This nation, which had its beginning 59 years ago under the protection of certain inalienable rights – among them the sovereign right to elect its rulers in a free, fair, impartial election – slid backward into military dictatorship. Today, a General in uniform presides over the destiny of 140 million Pakistanis without their consent.

When the army struck on October 12, 1999, the country was peaceful. There was no civil commotion anywhere. The Pakistan army was not involved in any armed conflict anywhere in the country. Nevertheless, a Bench of 12 Judges of the Supreme Court, in its wisdom, unanimously came to the conclusion that the intervention of the armed forces was to be validated on the basis of the “Doctrine of state Necessity”. The Chief of Army Staff was conferred the power, which the court did not possess, to singlehandedly amend the constitution. This power was un-requested by General Musharraf, the military ruler, but was considered necessary by the Honorable Judges, “for the welfare of the people”! Violation of past illegalities was bad enough but to empower the Chief of Army Staff to commit illegalities in future as well was making a mockery of the Constitution.

Seven years ago, an iron curtain descended upon Pakistan. It was like putting a fox in charge of the henhouse. The nation has been forced against its will to accept a “totalitarian democracy”. During the last seven years of his authoritarian rule, General Musharraf has set new standards of political infamy. Today he is virtually the Atlas on whose shoulders the state of Pakistan rests. In accordance with the ‘Doctrine of unity of command’, he controls all branches of government, including the parliament, the judiciary, the armed forces and the electoral authority. Practising too many professions at once is a sure recipe for doing all of them badly. No wonder, we are in such a terrible mess today.

I am deliberately putting the case with all its bluntness to highlight what is at stake. Today “say Pakistan” and what comes to mind – military coups, sham democracy, an ‘elected’, all powerful President in uniform, who is also the Chief of Army Staff, a non-sovereign rubber-stamp parliament, a figurehead Prime Minister and a pliant judiciary. The fundamental law of the land has been defaced, disfigured, mutilated and changed beyond all recognition for the sole

purpose of facilitating General Musharraf's "election" as President. A parliamentary form of government, provided for in the 1973 constitution, has been replaced by a presidential form of government. One thing is clear: General Musharraf will continue to rule as a dictator with a civilian façade. His authoritarian regime, far from being temporary, will, unless checked in time, acquire the mantle of legitimacy and permanence.

Ambition has got the better of General Musharraf. It is now abundantly clear, except to those who are blind or on drugs, that General Musharraf has no intention of holding free, fair and impartial elections and transferring power to the elected representatives. He has no intention of going to the people for obtaining a fresh mandate. There will be a Presidential election in Pakistan in 2007 and it will almost certainly be a farce because the people of Pakistan will have no role in it. Instead, he will be 're-elected' by the existing electoral college, 'elected' in 2002, days before its term expires! It is unnerving to realize that General Musharraf is going to be with us for another five years. Perpetuating General Musharraf's rule is a recipe for disaster. He is bent on lowering Pakistan into its grave.

The most important three words in the American Constitution are: "We, The People". General Musharraf denied the people the right to elect their President in accordance with the constitution. Democracy means first and foremost, the rule of the people. The people of Pakistan do not rule this country. They have no say in the election of their President. They are denied the right to elect their President in accordance with the procedure laid down in the Constitution.

No dictator gives up power voluntarily or peacefully. That is the lesson of history. Seven years after General Musharraf seized power in a coup, he is still hunting for legitimacy. He is unlikely to find it democratically.

Anyone who thinks elections will be free and fair or that General Musharraf will transfer power to the elected representatives of the people must have his head examined. Long ago, Trotsky wrote, "No Devil cuts off his claws voluntarily". "No man ever willingly gives up public life", President Roosevelt once said, "No man who has tasted it". A person who possesses supreme power seldom gives it away peacefully and voluntarily. Why should General Musharraf? Drawing on an ancient Chinese proverb, Harry Truman recounted in his memoirs that being President, "is like riding a tiger. A man has to keep on riding or be swallowed". Musharraf's case is different. Because he lacks legitimacy, it is not for him to decide when or where to dismount. His fate depends on how hungry the tiger is. If you want to see how a free nation is stifled by indigenous military dictators through its own apathy and folly, visit Pakistan. The great French thinker,

Montesquieu, said in the 18th century: "The tyranny of a Prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy".

A tyrannical government is the inevitable consequence of an indifferent electorate. Military rule will never end in Pakistan; politics will never be cleaner in this country, unless and until citizens are willing to give of themselves to the land to which they owe everything". Exodus tells us that it is not enough to sit back and let history slowly evolve. To settle back into your cold-hearted acceptance of military rule is not an option.

At times like these, it is necessary to venture into the hazardous wilderness. To build a better future than our present and our past, we need a government based on the willing consent of the people, a government accountable to the people, a government responsive to the people.

Like most of our people, I follow with indignation and disgust the course of unprincipled, sleazy politics in this sad country. Everyone's politics stink; perhaps it is simply a revolting profession, essential like garbage collecting and sewer cleaning but revolting. Men without patriotism or principle have made themselves the apostles of enlightenment and moderation; low, servile minds preach collaboration with despotism; so-called lovers of democracy and liberty attack those who dare to speak out. Nothing any longer seems either forbidden or permitted, honest or dishonorable, true or false. For those who cannot accept military rule and the degradation of our political life, the current situation is a nauseating dead-end. It will end in disaster. That is for sure. And the price will be paid, as usual, by the people of Pakistan.

Today there is a sense of frustration, of being deceived. The feeling is that there was a promise, a solemn pledge, a word of honour, and it has been violated. One of the lessons of history is that when rulers lack legitimacy and title to rule; when people are denied the right to elect their President and to express political preferences in a free, fair, impartial election; when elections are rigged; when people lose faith in their rulers, when hunger and anger come together, people sooner or later, come out on to the street and demonstrate Lenin's maxim that in such situations, voting with citizen's feet is more effective voting in elections.

In a democracy, political change is linked to a change of rulers, which occurs regularly and at minimal social cost. The absence of democracy, however, does not prevent a change of rulers. It happens anyway. It takes the form of revolution. Some are "soft" like the velvet revolution in Czechoslovakia in 1989 or the "orange" revolution in Ukraine in 2004. Some are bloody like the October revolution in Russia or the Iranian revolution. Nobody denies the inevitability of

change of power in Pakistan. It will happen sooner or later, perhaps sooner than later. But when it does happen, it may not be "velvet".

"These are times that try men's souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman" At this time, all those who realize the gravity of the situation, must draw together and take resolute measures to take our country back from the Generals. Our moment of truth has arrived. Today we are at the crossroads of a historic choice.

Those who are not with the people, are against them. They will be marginalized and held to account at the Bar of History. That is, for sure. Every political leader worth the name and every political party is free to choose; but by force of circumstances they are all fated to make their choice quickly.

The issue before the nation is autocracy against republicanism. Do we wish to remain citizens of a Republic, or do we prefer to live under a thinly veiled military dictatorship? Do we prefer Rule of Law or rule of a General in uniform? It is as simple as that. I believe, and always shall, that indifference to despotism is treason and cowardice. What prevents the opposition parties and their leaders from joining hands and presenting a united front against military despotism? What prevents them from taking to the street as they have in other countries and as they have in the past in this country? What prevents them from putting national interest above petty selfish interest?

## **Pakistan First**

At a time when Pakistan is in turmoil, General Musharraf's approach to crucial domestic problems is to stay away from them – and Islamabad – as much as possible. At the drop of the hat, he rides off on his imaginary horse to shuttle around the world in pursuance of George W. Bush's Middle East Plan. Recently, he barnstormed the Islamic world with his Foreign Minister as a travelling incarnation of the Government of Pakistan. For better or worse, the ego, the excitement, the desire to rub shoulders with world dignitaries and keep himself in the limelight, the taste for drama, seem ingrained in his personality.

General Musharraf overestimates his capacity to influence world events. Everybody knows that he is not the preferred Arab go-between to the West. In the Islamic world, he is regarded as President George W. Bush's errand boy. Today the United States has Iran in its gun sights. General Musharraf appears to be helping Bush in trying to forge a Sunni coalition of "like-minded" rulers to counter Iranian influence and contain the so-called "Shiite crescent". By promoting such a policy General Musharraf is unwittingly fanning the flames of sectarianism in the region, including Pakistan, just when they most need to be quelled. It is dangerous. It is playing with fire. It is not in our national interest. It is deeply worrying.

The irony is that General Musharraf embarked on a tour of several Muslim countries at a time when Pakistan itself is on fire. The state of Federation is chilling, thanks to poor leadership and its inept handling of a complex situation which is fast deteriorating. The nation's army is at war with its own people in Waziristan and Baluchistan. Flagrant violation of our air space and national sovereignty by US aircraft and security personnel; American air strikes on Damadola and Hamzola villages, resulting in the killing of innocent men, women and children, all go unchallenged. No expression of remorse, no regret.

Even the most incurable optimists, as some of us are, are deeply worried. Pakistan is tearing itself apart and is headed for the cliff. Violence is spiraling as is shown again in the attack on Islamabad airport (February 6) by an armed man who tried to force his way to the VIP lounge. It is the latest in a string of violent attacks over the past fortnight in the country and second in Islamabad after the Marriott hotel attack on January 26. This country gets scarier by the minute.

By allying himself with America's "war on terror", General Musharraf did secure defacto American acceptance of his military coup against the democratically

elected government of Mian Nawaz Sharif. But at what price? Pakistan's military is now much less effective on the western border than it was before. While its super power ally bombs and kills innocent men, women and children in our Tribal territory, it can do precious little. General Musharraf alone is responsible for the mess we are in today, because it is he who drives the train. He alone will be held accountable for this carnage, this wreckage of lives. As the embodiment of this government's aggressive approach to the so-called "war on terror", he has on his hands the blood of hundreds of Pakistanis – in uniform and out of uniform – all those who have died and will die in this misbegotten war.

General Musharraf has an unparalleled ability to insulate himself from inconvenient facts and reality. On Saturday, November 26, he said that "temporary upheavals" in the country's security environment should not arouse public concern as the "turmoil" had been caused by the government's own steps taken to rein in anti-state elements! The irony is that he was addressing officers of the Lahore Garrison. Unfortunately, General Musharraf is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him.

"Power corrupts. Absolute power corrupt absolutely". Friderick Von Gentz, Metternich's advisor, once described the position of the Tsar as follows: "None of the obstacles that restrain and thwart the other sovereigns – divided authority, constitutional forms, public opinion, etc – exists for the Emperor of Russia.

What he dreams of at night, he can carry out in the morning". General Musharraf exercises, more or less, similar powers in Pakistan. "The problem with Musharraf", Kuldeep Nayar wrote (DAWN October 23), "is that he has a solution to every problem. All that a ruler has to do is to 'show courage' and people will follow him. Musharraf does not see much of a problem in Pakistan"! His announcement, he told Kuldeep, will be adequate! In Hitler's Germany, Stalin's Soviet Union, Polpot's Cambodia, Kim Jong Il's North Korea and Musharraf's Pakistan, the will of the despot supplants the law and the constitution. Surely, absolute power must make people mad. Stalin was; Hitler was. No one dare contradict them.

It is axiomatic that law and order is the primary responsibility of every organized government. In his Presidential address to the Constituent Assembly on August 11, 1947, Mr. Jinnah said: "You will no doubt agree with me that the first duty of the government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the state". General Musharraf has failed to discharge this primary responsibility. The law and order situation was never as bad as it is today. "The symptoms of social collapse are progressive declines in standards of conduct, public and private, and the

superiority of the centrifugal over centripetal forces. When the administrative machinery breaks down, law and order is the first casualty. "And when respect for law and authority declines, the devil of force leaps into its place as the only possible substitute and in the struggle that ensues every standard of conduct and decency is progressively discarded. Men begin by being realists and end by being Satanists. Sometimes synthesis takes place from within; sometimes it is imposed from without. If the original breakdown of authority is caused by a ferment of ideas, a genuine revolution like the French may result. If it is simply due to the decrepitude of authority, the solution is the substitution a fresh authority, but whether that substitute is external or internal depends upon local circumstances". This is a correct description of what is happening in Pakistan today and it is scary.

Today say Pakistan and what comes to mind, a 'corpse in armour', a military elite perched on top of a mass of poverty – stricken populace. Their brilliant courts are centers of conspicuous consumption on a scale which even the Mughal kings might have thought excessive. An army of servants, hangers – on, a vast array of bodyguards, meaningless visits to obscure countries, all at the expense of poor tax payer, with no constitutional or other checks.

General Musharraf and his military colleagues can't bring themselves to face up to three glaringly obvious truths: the first is that Pakistanis are tired of fighting the so-called "war on terror". They find General Musharraf's rhetoric empty. Our soldiers are fighting a proxy war in our tribal area against their own people for no reason whatsoever. The second truth is that the suicidal war in the tribal area will go on until Bush changes course. Meanwhile, Pakistan will pay a terrible price in blood and treasure. The third truth is that authoritarianism breeds extremism and suicide bombers. Unless we disengage ourselves from America's "war on terror", unless power is transferred to the elected representatives of the people and army goes back to the barracks, suicide bombing and explosions will go on unabated. Pakistan will bleed itself to death.

It is amateur hour in Pakistan. General Musharraf is fiddling while bombs explode all around the country. Pakistan is in deep, deep trouble. This is no time for shuttling around the world in search of "glory". This is no time for undertaking a highly sensitive errand on behalf of George W. Bush to counter Iranian influence and contain "Shiite crescent". Instead, General Musharraf should, for a change, look after Pakistan First and Pakistan Last. The Middle East can look after itself. Today we live in the worst of political times. A creeping fascism is closing its grip around our throats.

Government without consent is called tyranny because no man is good enough to rule another without the other's consent. After seven years of military

dictatorship, with no voice in the election of their president, people feel castrated. "If such a government" (Czarist Russia), Mark Twain exclaimed in deep anguish, "cannot be over thrown otherwise than by dynamite, then thank god for dynamite". That is exactly what happened in Czarist Russia with disastrous consequences.

Tailpiece: Don't mess around with madrassahs. One of the causes of the Sepoy Revolt of 1857 was that the British had closed the madrassahs.

## **Never Attack a Revolution**

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. Afghanistan and Iraq are under military occupation and have ceased to exist as sovereign, independent countries. Afghans and Iraqis are paying a horrible price for not meeting US demands and defying the world's sole superpower. Today the United States and Britain are conducting a virtual crusade against the Islamic world to steal its oil and capture its resources. Iran, Syria, Saudi Arabia and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated.

The September 11 attacks gave the Vulcans in America an opening for their dream of remaking the Middle East. Afghanistan was but a breakfast. Iraq was lunch. Where will Americans dine? Iran is now in the gunsights. United States has strong teeth but a weak stomach. No wonder, it has digestive problems with Iraq and Afghanistan. Nevertheless, America seems intent on using the September 11 attacks to impose what is called a 'civilization of fear'.

Iraq was Bush administrations ide'e fixe before there was 9/11. Did the venture into Iraq in 2003 mark the point where history turned once again? Did it represent the outer limits of the expansion of Americans power and ideals? From the perspective of the Vulcans, the powerful people around Bush, it clearly did not; they portrayed Iraq as merely a way - station on the road toward "democratizing" the entire Islamic world.

In the run-up to the Iraq war, President Bush made clear to Prime Minister Tony Blair his view that Iraq should be seen as a first step. John Quincy Adams's caution to America not to go abroad to slay dragons they do not understand, has been thrown to the winds. Neither Washington, nor Madison, nor Jefferson saw America as the world's avenging angel.

Today the United States is once again in an expansionist mood. The current campaign to justify the use of force against Iran is reminiscent of the run-up to the 2003 US - led war against Iraq. Bush trumped up evidence against the Saddam regime to justify the invasion in the eyes of the American people and went to war against Iraq - the first preemptive war in the history of the United States - on the "wings of a lie". He saw it as a chance not only to "remove the veil", as they say, "but also to appropriate the lady". The arguments being

advanced for intervention in Iran are infinitely more spurious than the claims that Iraq possessed weapons of mass destruction. The search for a “casus belli” compelling enough to convince an increasingly questioning American public intensifies.

United States must learn from past mistakes and not stubbornly insist on repeating them against all advice – including the advice George W. Bush gave as a Presidential candidate in 2000. “If you are a arrogant nation, they will resent us; if we are a humble nation, but strong, they will welcome us”. Bush had expressed a view that America, the only remaining superpower, should exercise restraint and project humility in relations with other countries. He had talked about principled American leadership in the world, saying: “The duties of our day are different. But the values of our nation do not change. Let us reject the blinders of isolationism, just as we refuse the crown of empire. Let us not dominate others with our power – or betray them with our indifference. And let us have an American foreign policy that reflects American character. The modesty of true strength. The humility of real greatness. This is the strong heart of America. And this will be the spirit of my administration”. It is hard to believe that the man who said those words is the same man who now sits in the White House.

I tend to think that in the face of the growing insurgency in Afghanistan and the mess in Iraq, Bush would have been well guided on Iran by Mr. Lincoln’s Spring 1861 advice to his Secretary of State, William Henry Seward. When Secretary Seward proposed starting a war against Britain and France as a means to unite north and south against a common enemy, Mr. Lincoln wisely said, “Mr. Seward, one war at a time”. Those who do not learn from history are doomed to repeat it. George W. Bush has proved it.

While serving as a member of the US House, Representative Abraham Lincoln penned prophetic words on the wisdom of Presidential war – making. “Allow the President to invade a neighbouring nation”, Lincoln said, “whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose – and you allow him to make war at pleasure...

If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, “I see no probability of the British invading us”, but he will say to you, “be silent; I see it, if you don’t”. Fear can make people do all kinds of insane things they would not do if they were thinking rationally.

During the war crimes trial at Nuremberg, psychologist Gustave Gilbert visited Nazi Reich Marshall Herman Goering in his prison cell. "We got around to the subject of war and I said that, contrary to his attitude, I did not think that the common people are very thankful to leaders who bring them war and destruction". "Why, of course, the people don't want war", Goering shrugged. "Why would some poor slob on a farm want to risk his life in a war when the best that he can get out from it is to come back to his farm in one piece. That is understood. But, after all, it is the leaders of the country who determine the policy and questions of war and peace and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship or a parliament or a communist dictatorship. That is easy. All you have to do is tell them that they are threatened, about to be attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in my country". It is now working very well in the United States.

America is playing with fire and acting like Conrad's puffing gunboat in *Heart of Darkness*, shelling indiscriminately at the opaque darkness. President Bush has placed America on the wrong side of history.

Today US foreign policy finds itself at the bottom of a slippery slope. It has assumed many of the very features of the 'rogue nations' against which it has rhetorically and sometimes literally done battle over the years.

The US administration appears to be trying to forge a regional coalition of "like-minded" rulers to counter Iranian influence and contain the so-called "Shiite crescent" and prepare the ground for American attack. By promoting such a policy, the United States is fanning the flames of sectarianism just when they most need to be quelled. What of the Ummah? And what is the OIC stand on the threat to Iran? The less we talk about it the better. The Islamic world contains the world's greatest concentration of un-elected monarchs, military dictators, and usurpers, answerable to none, all supported by America. None would survive without American help. They seem more concerned with protecting themselves and their thrones than protecting their countries. Where, then, is the symbol of hope in a Muslim world ruled by charlatans and US protected and coddled despots?

Never attack a revolution. That is the lesson of history. Never attack another country if your security is not directly at stake. And never exaggerate the dangers to the United States of its actions. These are the lessons of Vietnam. Obviously, Bush has learnt nothing from America's failures in Vietnam, Afghanistan or Iraq.

Wars are like that, easier to start than to finish. Several authoritative studies have repeatedly shown: No initiator of war in recent history has achieved the intended results; infact in almost all cases, those resorting to force have ultimately undermined their own security and stature. Today the United States seems trapped in a bad story, with no way to change the script. Where is this President taking America?

## Judicial Nadir

Friday, March 9 was a sad day and a time of deep despair for the people of Pakistan. It was a day that will live in infamy. On that day, Justice Iftikhar Mohammad Choudhary, Chief Justice of the Supreme Court – the guardian of the Constitution and our liberties – was kicked out of office unceremoniously by General Musharraf, the military ruler of Pakistan. It was a day of two tragedies. (1) Chief Justice Iftikhar's illegal 'suspension' by a military dictator (2) the illegal appointment of Justice Javed Iqbal as his successor. Today, Chief Justice Iftikhar Choudhary is held in custody and is incommunicado! Never has the Chief Justice of the apex court been treated with such ineffable contempt by the Executive and never have the erstwhile colleagues of the deposed Chief Justice shown such cowardice and timidity and participated so shamelessly in this infamy. Being a justice in this country is a rotten way to earn a living.

Is there any remedy for this state of things? None. Because superior judiciary and the parliament, two most important pillars of the State, are in league with the military ruler of this sad country. The "judicial coup" engineered by General Musharraf reminds me of the famous confrontation between Chief Justice, Sir Edward Coke and King James I. The year was November 13, A.D. 1608. It was on that day that King James I confronted "all the Judges of England and Barons of the Exchequer" with the claim that, since the Judges were but his delegates, he could take any case he chose, remove it from the jurisdiction of the courts, and decide it in his royal person. The Judges, as James saw it, were "his shadows and ministers ... and King may, if he pleased, sit and judge in Westminster Hall in any court there and call their judgment in question". King James felt greatly offended when told that he was under the law. "This means", said James, "that I shall be under the law, which it is treason to affirm". "To which", replied Coke, "I said that Bracton saith, quod rex non debet esse sub homine, sed sub Deo et lege" (that the King should not be under man but under God and Law). Chief Justice Coke did not waver. He did not falter. He risked going to the Tower but he stood his ground. In the altercation between Chief Justice Coke and the King, there is personified the basic conflict between power and law.

Fortunately, for Chief Justice Coke, he was not alone. All the Judges of England stood by him. No wonder, he was not sent to the Tower. He was not suspended or removed from office. Like Chief Justice Coke, Chief Justice Iftikhar Choudhary has stood his ground and refuses to resign. But for all practical purposes, he is no

longer the Chief Justice of Pakistan. What is worse, he has been stripped of all his liberties and is no longer a free citizen.

General Musharraf is obviously much more powerful than King James was in A.D. 1608. He is Chief of Staff of the Pakistan Army, the President of Pakistan, Chief Executive, Law-giver, Supreme Jurist and First Diplomat, all rolled in one. He is above the Constitution, above the Parliament, above the Law, accountable to none. He has power without responsibility. For all practical purposes he has become the State. No wonder, he gets away with murder. Seven years ago, he toppled an elected government, arrested the Prime Minister and sent him to Attock fort. On Friday, March 9, he assaulted the superior judiciary and sacked the Chief Justice of Pakistan!

The mess we are in today, is the logical culmination of the process set in motion in the 50s. 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. The superior judiciary has often functioned at the behest of authority and has been used to further the interests of the state against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s; during the Martial Law period of the 1960s and 1970s; under the constitutional rule of Zulfikar Ali Bhutto and persists till today.

Justice Munir committed the original sin. Others tamely followed his example. The foundation of the Constitution have been shaken by a power-hungry General with the help of corrupt politicians and a pliant judiciary. The members of parliament, after taking the oath of allegiance to the constitution, had no compunction in destroying its basic structure. Why didn't the Supreme Court, the Guardian of the Constitution, resist the subversion of the constitution? Why did it allow a military dictator to deface, disfigure and mutilate the constitution and alter its character? Why did it allow the parliament to destroy the basic structure of the constitution? Why?

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

The Supreme Court is more than the usual law court. It is primarily a political institution, in whose keeping lies the destiny of our nation. Yeats tells us that all states depend for their health upon a right balance between the One, the Few and the Many. The maintenance of that balance is peculiarly the task of the Supreme Court since, following the famous Hughes Aphorism, the Constitution is essentially what the Supreme Court says it is. It is its unique function to serve as guardian and watchdog of the liberties of the citizen. To enable it to do so effectively, and to interpose the shield of Law in the defense of liberties of the citizens, Supreme Court is armed with the awesome authority to nullify any law, any governmental act deemed by it in conflict with any provision of the Constitution. Yet, the irony is that Supreme Court is the weakest and most vulnerable of all the three coordinate branches of the government in Pakistan.

In the words of Mr. Jinnah, it is the system, this damnable system of military government which is the root cause of all our problems. The substance of power vests in the president who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament, refuses to vacate his office as Army Chief and doff his uniform. Democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment, accountability is a farce. There is apathy in the country. Silence is its accomplice. This is not Pakistan. This is a lawless state. This is not the land of the free and home of the brave. This is some other country.

Pakistan will be Pakistan again the day the Judges of the Supreme Court, with the full support of the people, following the noble tradition set by Chief Justice Coke and his colleagues, raise the shield of constitution, the embodiment of the Will of the people, and confront the usurper. When that happens, the long nightmare will be over. It will be morning once again in Pakistan.

I never met Chief Justice Iftikhar Mohammad Choudhary, although I saw him twice in the court before he was axed. He was no Titan but he had gentle firmness, courtesy and charm. Whatever his ultimate fate, he will be remembered in history for speaking truth to power and defying the military ruler of Pakistan.

Tailpiece: A few hours ago (March 13), I saw history in the making – Chief Justice Iftikhar Mohammad Choudhary's triumphant arrival at the Supreme Court to face the so-called Supreme Judicial Council. He was mobbed by hundreds of angry admirers and supporters – politicians, members of the Bar, civil society and NGOs. I saw blood in their eyes. I dread their determination. Has the time come to turn the page?

## **“The Night of Broken Glass”**

Friday night, March 16, was the ‘Night of Broken Glass’ in Islamabad. On that day, General Musharraf declared war on the freedom of the press. *Qui deus vult per dere, prius dementat* (whom the gods would destroy, first they make mad). About two dozen Storm troopers of the Punjab police were unleashed to attack and ransack the offices of Geo TV channel in an effort to stop the channel from airing live pictures of police brutality against protesting lawyers. They smashed the windows, leaving the rooms covered in a deep layer of broken glass – a grim reminder of the ‘Reich Crystal Night’ on 9-10 November 1938 in Nazi German. Like any true Pakistani, I felt ashamed and blushed to see the Geo office ransacked and its staff terrorized for doing nothing more than telecasting vital information.

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

This shameless use of raw state power to terrorize the electronic and print media and the material damage caused, was a Public Relations disaster for General Musharraf, as reflected in the universal condemnation in the International Press. The people of Pakistan were appalled. The print and electronic media articulated their sense of outrage, their horror, their distaste and their shame at what had happened. Was General Musharraf genuinely surprised by the police ‘action’? Was he genuinely taken a back by the enormity of the crime? Was there no dissembling in his ‘condemnation’ of the attack? And certainly, the subsequent welter of criticism and condemnation from the Prime Minister and others made it evident that the action had got out of hand and had become counter – productive. General Musharraf is now trying to distance himself from what had taken place and wants to draw a veil over the whole business. No one believes that he was not responsible for this vandalism. The public knows to the last man that political ‘action’ like this is organized and planned at the highest level, whether this is admitted or not.

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

500 years before the birth of Christ, the Greek city – state of Athens became the first society in recorded history to embrace the notions of freedom and democracy. It was an experiment that went horribly wrong.

After a short spectacular period of success, the Athenian democracy collapsed. Athens lost her supremacy and with it, many of her freedoms. Why? The men who ruled the city fell into a state of collective hysteria which bears an uncanny resemblance to the paranoia which has gripped the junta ruling Pakistan today. At the height of the crisis, those who ruled Athens forced her most famous philosopher to drink hemlock, solely for the crime of expressing his opinion. It was a miscarriage of justice that still fills mankind with baffled fascination.

The duty of a journalist, the legendary Deane of the London Times wrote long ago, was to obtain the earliest and most correct intelligence of the events of the times, and instantly, by disclosing them, to make them the common property of the nation. This function was separate, independent and sometimes diametrically opposite to that of the statesmen. The article went on, in words engraved on the heart of every young journalist: The press lives by disclosures. We are bound to tell the truth as we find it, without fear of consequences – to lend no convenient shelter to acts of injustice and oppression, but to consign them at once to the judgment of the world.

Today I know no country in the civilized world, in which, speaking generally, there is less true freedom of press than in Pakistan. A powerful military junta has enclosed thought within a formidable fence. You are free inside that area. Woe to the man or woman who goes beyond it. The assault on Geo is a foretaste of worse to come. No military dictator can afford a free Press or an Independent judiciary. Both are under attack in “democratic” Pakistan today. “Our worst danger”, Hamilton wrote, “comes from dependent judges and from stifling the press. We ought to resist – resist – resist – till we hurl these tyrants from their imagined thrones”. Nothing is so unworthy of a nation as allowing itself to be

governed by a gang who govern by force.

Somewhere in a Raymond Carver story, a character asks: "We started out such good people. What happened to us"? Silence, when we should protest make cowards of men. Pastor Martin Niemöller, 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?

## **“In the Name of God, Go”**

Talking about despotic rulers, like himself, Mussolini said just before his death: “Have you ever seen a prudent, calculating dictator, they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions – and it is actually that mad passion which brought them to where they are”.

Absolute power, unrestrained by law, must make people mad. How else can we explain the disastrous move made by General Musharraf against Chief Justice Iftikhar Mohammad Choudhary on March 9? Not since he captured political power in a military coup seven years ago, has President Musharraf faced a situation quite like the one he confronts now. Prior to March 9, General Musharraf faced no real danger, except of course, by the sort of accident which inevitably threatens those who skate long enough on sufficiently thin ice. Today the calendar says General Musharraf will be around till the end of the year. But the writing on the wall says that it is all but over. How fortunes fluctuate?

No event in our constitutional history will be remembered more than General Musharraf’s ill-fated Reference against Chief Justice Iftikhar. It was a calculated plot hatched many months ago in angry resentment at some of his decisions. It is now abundantly clear that General Musharraf is determined to reduce the Supreme Court to an instrument of personal ambitions. For months he eyed the Chief Justice warily. Chief Justice Iftikhar had become his ‘bete noire’. General Musharraf decided to remove him not because he was guilty of any act of misconduct, not because he was guilty of any act of misuse of office or corruption. The truth about it is that General Musharraf apprehended the obstreperous Chief Justice might upset all his re-election plans. The action against the Chief Justice constituted not an isolated episode but one skirmish in a well-coordinated campaign to eliminate all constitutional threats to his rule. The Reference represented only one step in the march of events. Through the aggrandizement of power, a military dictator has precipitated a major political crisis in the country. It is the kind of crisis that opens the door for dramatic political changes.

A testing time, critical to his Presidency, is now upon General Musharraf. He has been weighed in the balance and found wanting. People are filled with anger and angst. If you believe in democracy and Rule of Law, you would not be anything other than angry, living in today’s Pakistan. People are getting fed up with tinhorn despots and have soured on this “President in uniform”. The

“commando President’s” aura is crumbling. His star is already burning out. People have overcome fear and have crossed the psychological barrier.

People are finally getting united and beginning to channel their anger into action. They have taken to the street – as they have in other countries and as they have in the past in this country. Hopefully, the status quo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless. The long nightmare will soon be over. It will be morning once again in Pakistan. This is the last chance. The last battle, if we shall not stand out into the streets, the long polar night will descend on Pakistan. If sanity does not prevail, there will be no velvet revolution in this part of the world. The walls of autocracy will not collapse with just one good push. The old order will not go quickly or peacefully. The country will drift into civil war and anarchy. That is for sure.

It is time for you to go, General Musharraf. Your nation doesn’t want you anymore. Your interest and the interest of Pakistan do not coincide. The people of Pakistan do not trust you any longer and do not want to follow your lead. None of your signature policies have much resonance with our people today. The sooner General Musharraf realizes this, the less costly his departure will be for his people. I ask General Musharraf in all humility and with full awareness of its difficulty and pain, to make this supreme sacrifice to spare our country the tragedy that is staring us in the face.

“These are times that try men’s souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now, deserves the love and thanks of man and woman” At this time, all those, in the country or abroad, who see the perils of the future must draw together and take resolute measures to save the country. Our moment of truth has arrived. To borrow the prophetic words of Dostoevsky, I, “have a presentiment of sorts that the lots are drawn and account may have to be settled far sooner than one might imagine in one’s wildest dreams”.

Seven years ago, General Musharraf was widely heralded by some as the messiah. Today he risks being dismissed as the latest in a long line of easily forgotten rulers. He is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him. His blunders are too obvious, his behavior is too erratic, his vision too blurred. He has painted himself into a corner. The longer he resists and delays return to full democracy, and the longer he allows the water to rise, the greater the catastrophe that will follow the bursting of the dam. The cup of endurance has run over and the citizen cries out enough! Enough! “I can take it no longer”.

Tailpiece: Lenin rushed back home in a sealed train and hijacked the Russian Revolution. Why don't Benazir and Nawaz Sharif catch the first available flight, return home and join the struggle? Why wait for election?

## **In Praise of Lawyers**

March 9, 2007 was a painful day for anyone who wore the nation's uniform or who wanted to be proud of the Pakistan army. Just when you think our situation couldn't possibly get worse, General Musharraf manages to get it down another notch. On that day, General Musharraf, military ruler of Pakistan, committed an egregious folly. He decided (a decision he must be regretting now) to remove Iftikhar Mohammad Choudhary, Chief Justice of the Supreme Court of Pakistan on frivolous charges!

March 9 also witnessed an event of unique and momentous importance for Pakistan. On that day, the country's tectonic plates shifted. For the first time since the creation of Pakistan, lawyers throughout the length and breadth of the country took to the streets to demonstrate against the suspension of the Chief Justice. They were not led by political leaders. Their struggle is not a contest for power. It is an unprecedented struggle, with Chief Justice Choudhary Iftikhar as its symbol, to challenge military despotism, restore the independence of Judiciary and Rule of Law. While political leaders are dithering, the Bar and the Bench are making history. A window of hope has opened for Pakistan.

This country was not created by rifle and sabre. Three Barristers – Gandhi, Nehru and Jinnah, the first two not particularly gifted lawyers, led India to freedom. Unlike Gandhi and Nehru, Jinnah was a brilliant advocate. His unique political achievement, the creation of Pakistan, was the product of his genius as a Barrister. Young Jinnah sat on the Bombay Municipal bench as “temporary” third Presidency Magistrate, but found the bench a much less attractive professional prospect than the Bar. Jinnah's universe was now Law.

“When he stood up in court, slowly looking towards the Judge, placing his monocle in his eye, he became omnipotent. Yes, that is the word – omnipotent”. The Bar and Bench have triggered a revolution in Pakistan. The appearance of thousands of lawyers on the Constitution Avenue, protesting against the suspension of the Chief Justice and the assault on the sanctity of the Supreme Court, was heart-lifting. They rallied round the Chief Justice because he had defied a military dictator for the first time in the history of Pakistan. They, and why only they, loved him for speaking Truth to Power and telling the Emperor that he had no clothes. It shows you can be a hero in an age and country of none.

As I watched the protesting lawyers, I was reminded of Justice Kayani, who through his fearless conduct, his jealous custody of the highest traditions of

Superior judiciary and his bold pronouncements at a time when the country was in the iron grip of martial law, won the hearts of his people. He waged a one-man heroic struggle for the Rule of Law. "You mean to say my health does not permit me to stay behind the bars", he told his son, "if the authorities decide to arrest me. What is the value of my health or my life! What difference does it make if I land in prison, when the entire country has become a prison, where every freedom loving person feels choked and where the press has no freedom". "Your country", Justice Kayani told Members of the Bar, "has not settled down to political stability. An arduous path lies before you, and the path of duty, and I say again, God bless you"! Prophetic words! Lawyers are out on the streets. The fight is on. Justice Kayani's tormented soul can rest in peace.

Lawyers are officers of the court. In that capacity they assist the court on the one hand and the client on the other. The Bar and the Bench are parts of the same machine. Chief Justice is equally the mater and the pater, both of the legal profession and the services. The Bar and the Bench are two wheels of the same cart. General Musharraf's assault on the apex court is an attack on both. That is why thousands of lawyers everywhere have taken to the streets and are protesting.

General Musharraf reminds me of Pinochet. When he toppled the Allende government, many believed he would restore order and then call free elections. General Pinochet quickly disabused them. With the power of the army behind him, he achieved a personal dictatorship. "The parallels are inexact, but the neighbourhood is right.

Seven years after General Musharraf toppled an elected government and captured political power, the nightmare is not over yet. He has robbed us of everything: our past, our present, our future, all our dreams.

The result is the mess we are in today. He is bent on lowering Pakistan into its grave. Today Pakistan has a disjointed, lopsided, topsy-turvy, hybrid political system - a non-sovereign rubber stamp parliament, a General in uniform as "President", a figurehead Prime Minister, and a pliant judiciary - General Musharraf calls "pure democracy". The people of Pakistan did not deserve this government because they had no choice in the matter.

Democracy doesn't flow from the barrel of the gun. General Musharraf's promise to hold, free, fair, impartial elections doesn't impress anyone. He is subverting our fragile democracy to prolong his personal power.

The bottom line is becoming inescapable: thanks to corrupt, unprincipled politicians, ever ready to do business with the military ruler, General

Musharraf will continue to rule 160 million people of Pakistan as a dictator with a democratic façade. His authoritarian regime, far from being temporary will, unless checked in time, acquire the mantle of legitimacy and permanence. It is impossible not to feel and express outright contempt for General Musharraf's dubious program of transition to civilian rule. The process of self-entrenchment is blatant enough. No dictator gives up power voluntarily or peacefully. That is the lesson of history. Why should General Musharraf be an exception?

Thanks to General Musharraf, Pakistan is sinking into a long national nightmare and is falling off the cliff. In this Manichean struggle between democracy and military despotism, you are either with the people or against them. You have to choose sides. To march at their head and lead them? To stand behind them, ridiculing and criticizing them? To stand opposite them and oppose them in collaboration with the Generals? Every political leader worth the name is free to choose among the three; but by force of circumstances they are all fated to make their choice quickly. Today Pakistan is characterized by 'a smallness of our politics'. The time for that politics is over. It is time to turn the page.

For members of the intelligentsia living under this despotic regime, not to be politically rebellious is, in my view, a moral abandonment of their social post. Members of civil society - doctors, engineers, journalists, writers, academia, civil servants, must be implacable opponents of despotism. If not, they are, in the eyes of the 'intelligentsia militants', men who are cowards and sold out. People detest those who remain passive, who keep silent and love only those who fight, who dare. In this transcendent struggle between democracy and authoritarianism, neutrality is not an option. You're either with the people or against them. It is as simple as that. One thing is clear. The day is not far off when statusquo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless.

A testing time, critical to his Presidency, is now upon General Musharraf. He has been weighed in the balance and found wanting. Today the only person in Islamabad willing to defend General Musharraf is no other than General Musharraf himself. He alone is responsible for the mess we are in today because it is he who drives the train. There is nothing which can contribute more to galvanize this traumatized nation than that General Musharraf should sacrifice the power he usurped seven years ago! What, Mr. President, is your political future weighed in the balance against the fortunes of our country. Who are you or I or anybody else compared with the interest of the nation? Why not make this long traumatized country normal again. Let Pakistan be Pakistan again. Let it be the dream it used to be, a dream that is almost dead today. If Musharraf left tomorrow, it would be morning once again in Pakistan. That is for sure.

## **La Patrie en Danger**

Pakistan was born free, sovereign and independent. Today it is in chains, under military rule for the fourth time and in deep, deep trouble. Once we believed we were possessed of a unique destiny. Today our country is dysfunctional and sleepwalking toward disaster. It is, in the evocative French word, "Pourri" – rotten to the core.

On March 9, the die was cast. On that day, General Musharraf crossed an invisible Rubicon and descended into total power – madness. The 'suspension' of Chief Justice Iftikhar Choudhary was seen by the people as a national insult and an affront. Pakistan's fledgling democracy hit rock bottom. That was the moment when Pakistan lifted its head and began to fight back against military dictatorship. Chief Justice Iftikhar has ignited a flame that would soon engulf the entire country. General Musharraf thought himself poised on the cusp of power but is sliding down a slippery slope whose end would be disastrous for him. That is for sure.

General Musharraf's fateful decision to assault the superior judiciary, 'suspend' the Chief Justice and pack the court with his own reliable men reminds me of the late, unlamented Adolf Hitler. "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. I know how to deal with them". 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".

Today Pakistan is a shadow of what it used to be. After seven years of military dictatorship, with no voice in the election of their President, people feel castrated. The sense of public frustration is palpable. What is there to celebrate? The Federation is united only by a 'Rope of sand'. 59 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. The state of the federation is chilling, thanks to poor, illegitimate leadership and inept handling.

Pakistan is not the country it was seven years ago. Back then, the country was settled, stable, democratic and free. Today, Pakistan is a "rentier state", under military rule, ill-led, ill-governed by a power-hungry junta. Even the most incurable optimists, as some of us are, are deeply worried. Today "Democracy" in Pakistan is a mask behind which a pestilence flourishes unchallenged. It has a

disjointed, lop-sided, hybrid political system – a non-sovereign, rubber stamp, cowed, timid and paralytic parliament, a powerful President in uniform, a weak and ineffective Prime Minister appointed by the President. Political institutions established at the time of independence are still there, albeit now in anemic form. One by one, all the arguments for General Musharraf's rule and dismissal of an elected government are tumbling. They are falling like skittles in a bowling alley. Bit by bit, the foundations of this regime are crumbling to dust. The coup against Nawaz Sharif, the capture of political power by General Musharraf and the imposition of military rule seven years ago, was, in my view, only a holding operation, a postponement of history. It cannot last. History is against it.

Today say Pakistan and what comes to mind, a 'corpse in armour', a military elite perched on top of a mass of poverty – stricken populace. Their brilliant courts are centers of conspicuous consumption on a scale which even the Mughal kings might have thought excessive. An army of servants, hangers – on, a vast array of bodyguards, meaningless visits to obscure countries, all at the expense of poor tax payer, with no constitutional or other checks.

The most important three words in the American Constitution are: "We The People". Democracy means rule of the people, by the people, for the people. It means the right of the people to elect their ruler in a free, fair and impartial election. General Musharraf has denied the people the right to elect their President in accordance with the constitution. They have no say in the affairs of State either. In furtherance of his political ambitions, General Musharraf has defaced, disfigured and mutilated the Constitution in violation of the condition imposed by the Supreme Court. He has turned the parliament and the judiciary into a fig-leaf for unconstitutional and illegal practices. And last but not least, he reneged on his promise to give up the post of Army Chief and doff his uniform.

General Musharraf said recently that Pakistan faced the biggest threat to its security from religious extremism. This is not true. Religious extremism is not peculiar to Pakistan. It is a global fact which has surfaced in every major faith in response to the problems of modernity. Religious extremism in Islam is not a new phenomenon. It is an old dispute with liberalizers and secularists, within our religion, pre-dating Attaturk's secularization of Turkey. General Musharraf is merely parroting and mechanically repeating what George W. Bush has been saying since 9/11. It is intended only to deflect attention from the challenge to his title to rule. It leaves people cold. Today the real threat, the only threat to Pakistan does not come from across the border or religious extremism. It stems from military dictatorship.

The failed assassination attempts targeting President Musharraf in Rawalpindi are a grim reminder of a very real threat the country faces. In the absence of an

agreed constitution, a genuinely democratic political order, a binding law of political succession and transfer of power, who would take over as President once General Musharraf leaves the stage? Much more important: who would takeover as army chief? Who would appoint the army chief? The entire political structure would come tumbling down and collapse like a house of cards.

**It is scary.**

What was the content of the Pakistan Dream? Democracy instead of dictatorship, Rule of Law instead of rule of man, law instead of lawlessness, press freedom instead of censorship. And most important, we dreamed of a human right to dignity. General Musharraf is wagging a war on the Pakistan's Dream. He has robbed us of all our dreams, all our hopes, all our expectations. He has robbed us of everything: Our past, our present, our future, and is bent on lowering Jinnah's Pakistan into its grave.

Today Pakistan is trapped in a political stalemate. Inflation is spiralling out of control at a truly dizzying rate. The seven years of General Musharraf's rule have proved to be miserable, depressing years for Pakistan. The rich are getting richer and the poor are getting poorer. The two don't even speak the same language, let alone breathe the same air, eat the same food or wear the same clothes, they live on different planets.

Military rule sows the seeds of its own downfall because military rule is an anachronism, lacks legitimacy and is doomed to failure. It is now abundantly clear that Pakistan cannot survive except as a democratic state based on the principle of sovereignty of the people, Pakistan cannot survive except under a constitution which reflects the sovereign will of the people, not the whims of one individual person, Pakistan cannot survive except under a system based on the supremacy of civilian rule, Pakistan cannot survive except as a federation based on the willing consent of all the federating units and lastly Pakistan cannot survive unless army is taken out of the arena of political conflict and supremacy of civil power is accepted in letter and spirit? "If there is one principle more than any other", Morley, Secretary of State for India, once said, "that has been accepted in this country since Charles I lost his head, it is this: that civil power must be supreme over the military power". The British learned this lesson only when Charles I lost his head. Will our military rulers ever learn this lesson?

Today we have only one dream. That dream is a Pakistan free of General Musharraf, free of all military dictators. This nation asks for change and change now.

## **The Judicial Revolution of March 2007**

“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. That is what happened on March 9.

All revolutions need a symbolic beginning. In France, it was the storming of the Bastille. In Russia, it was the capture of the Winter Palace. In the United States of America, Rose Louise Parks, prim, bespectacled 42-year-old Mulatto seamstress made history by refusing to give up her seat on the Cleveland Avenue bus to a white man. Her courageous act touched off a 381 – day boycott of the city’s bus system, led by Dr. Martin Luther King Jr, and is now considered the beginning of the American civil rights movement. All Rosa parks did was to refuse to give up her seat. With that simple act of courage, she changed history. In Pakistan, all that Chief Justice Iftikhar did was to refuse to resign and decided to fight back and defend himself. With that, like Parks, he changed the course of history. A judicial earthquake has remade the political terrain in Pakistan.

March 9 saw the return of political passions which had long been dormant. This was the moment when Pakistan lifted its head and began to fight back against the military ruler. The Bar and the Bench joined hands, for the first time in the history of Pakistan, and triggered a revolution. The presence of thousands of enthusiastic lawyers on the Constitution Avenue, protesting against the suspension of the Chief Justice and demanding his reinstatement, supremacy of Constitution, independence of judiciary, Rule of Law, is indeed very exhilarating. Few persons but those who were present on the Constitution Avenue could comprehend how it galvanized everybody and rekindled hope. “Bliss was it in the dawn to be alive”. It is a fantastic feeling to be a Pakistani again.

The members of the Bar rallied round the Chief Justice because he had defied a military dictator, unprecedented in the history of Pakistan. They, and why only they, loved him for speaking Truth to Power and telling the Emperor that he had no clothes. A nation needs heroes. Pakistan has found its hero in Chief Justice Iftikhar Mohammad Choudhary. “Surely, here was a star to follow, surely, here was a guide to follow”. It shows you can be a hero in an age and country of none.

March 9 also witnessed an event of unique and momentous importance for Pakistan. On that day, the country’s tectonic plates shifted. For the first time since the creation of Pakistan, lawyers throughout the length and breadth of the

country took to the streets to demonstrate against the suspension of the Chief Justice. They are not led by political leaders. Their struggle is not a contest for power. It is an unprecedented struggle, with Chief Justice Choudhary Iftikhar as its symbol, to challenge military despotism and restore the independence of Judiciary and Rule of Law. While political leaders are dithering, the Bar and the Bench are making history. Today, they are, in the words of Marx, the bulldozer of History. A window of hope has opened for Pakistan.

I am a man with a passionate love of the outdoors. I have always enjoyed walking on the Constitution Avenue. Today it is the hub of political activity. All roads lead to the Constitution Avenue facing the Supreme Court. My mind goes back to a very enjoyable walk on the Constitution Avenue soon after the military coup carried out by General Musharraf. This is how I described it: '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, the Presidency and the Supreme Court are all on one wide boulevard, called the Constitution Avenue. The only thing not on the Constitution Avenue is Pakistan's Constitution because it is suspended! Whenever 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'. That was seven years ago. Today General Musharraf has gone one step further. He has suspended the Chief Justice, stripped him of all his privileges and trappings of office! How low we have sunk?

Seven years after General Musharraf toppled an elected government and captured political power, the nightmare is not over yet. He has robbed us of everything: our past, our present, our future, all our dreams and is bent on lowering Pakistan into its grave. Today Pakistan has a disjointed, lopsided, topsy-turvy, hybrid political system – a non-sovereign rubber stamp parliament, a General in uniform as "President", a figurehead Prime Minister, and a pliant judiciary – General Musharraf calls "pure democracy"! In the words of Oliver Hardy, "a fine mess you have got us into".

A Musharraf fatigue has infected Pakistani politics. Today Musharraf does not inspire hope. He inspires unease. Today "say Pakistan" and what comes to mind – military coups, sham democracy, an 'elected', all powerful President in uniform, who is also the Chief of Army Staff, a non-sovereign parliament. The Constitution, the fundamental law of the land, has been defaced, disfigured, mutilated and changed beyond all recognition for the sole purpose of facilitating General Musharraf's "election" as President. A parliamentary form of government, provided for in the 1973 constitution, has been replaced by a

presidential form of government. One thing is clear: General Musharraf will continue to rule as a dictator with a civilian façade. His authoritarian regime, far from being temporary, will, unless checked in time, acquire the mantle of legitimacy and permanence. This is for sure.

There is never a dull moment in Pakistan. People have suddenly woken up as if from a deep slumber, and are asserting their democratic right to protest. Their demands: reinstatement of the “suspended” Chief Justice, end of military rule, restoration of 1973 constitution, free, fair, impartial elections. Democracy, which all these years was in limbo, stalled, waiting for a strong breeze to carry it forward, is once again on the march in Pakistan. Islamabad has never witnessed such electrifying, intoxicating scenes. Thousands of protestors – members of Bar in black coats and black ties, political party activists, members of civil society, all marching up and down the Constitution Avenue, flags flying and drums beating, is unprecedented in the history of Islamabad. This is not a sign of Pakistan’s decline or threatening doom. It is a sign of Pakistan’s vitality. It is evidence of a new beginning. Today there is no path for our country but the one it is now treading, and there is not, nor can there be, any other leadership than that history has given us.

To hope that by striking one blow we would defeat dictatorship would result in disillusionment. On the other hand, we cannot sit and wait until everybody is ready to enter the battlefield. The struggle has begun; there is no going back but forward ever. In the words of Chief Justice Holmes, “We will not falter, we will not fail. We will reach the earthworks if we live, and if we fall, we will leave our spirit to those who follow, and they will not turn back. All is ready. Bugler, blow the charge”. Never, ever, mind the political calculations. Today confrontation with the military ruler and freedom from army rule, has become a patriotic duty. I think that at all times I should have loved freedom from army rule but in times in which we now live, I am disposed to worship it.

Tailpiece: In time of crisis, beware of the Knight in shining armour.

## **Cometh the hour, Cometh the man**

I subscribe to the hero theory of history that great men do make a difference. In the history of the world those who have won have always been those who challenged the unchallengeable at the right time and at the right place. "If the individual and the situation meet", Willy Brandt told Oriana Fallaci, "then the machinery is set off by which history takes one direction instead of another". The individual and the situation were about to meet at General Musharraf's Camp office in Rawalpindi on March 9.

Iftikhar Mohammad Choudhary's appointment as Chief Justice of the Supreme Court was one of the happy accidents that changed the course of history. Had Fate not intervened, he would have retired, like any other Chief Justice, leaving behind an indifferent judicial record. But somewhere in the universe, a gear in the machinery shifted. As history shows, everyone must, from time to time, make a sacrifice on the altar of stupidity to please the deity. General Musharraf thought himself poised on the cusp of power, but was about to start sliding down a slippery slope whose end is bound to be disastrous. That is for sure. He made a fateful move on March 9, a day which will be remembered as a Black day, a day of infamy in the history of Pakistan.

No event of our chequered constitutional history will be better remembered than General Musharraf's ill-fated decision to send a Reference against the Chief Justice on preposterous, almost laughable grounds. But when Chief Justice Iftikhar refused to resign, and decided to defend himself, he ignited a flame that would soon engulf the country. With that simple act of courage, he changed the course of history. The die was cast.

A Rubicon crossed. Suddenly, "that uneasily dormant beast of public protest" - Musharraf's nightmare, his greatest challenge - burst forth. The most primary motive for this seismic event was, of course, the fury of ordinary Pakistanis at the suspension and humiliation of the Chief Justice. Suddenly people realized that they had been betrayed, lied to, deceived, taken for fools, by a power hungry military ruler bent upon lowering Pakistan into its grave.

When he assumed office as Chief Justice of the Supreme Court, the court lay prostrate. He found a skeleton. He clothed it with flesh and blood. I saw him in the Supreme Court a few days before he was suspended. In the courtroom, his outstanding characteristic was the quiet, easy dignity with which he presided. I

heard him pronounce the opinion of the court in a low, but modulated voice. He will be remembered in history as the Chief Justice who brought the people together, gave them hope and cemented the Federation. Today he suffers so that the nation might live. He has become the focal point of a degree of support unprecedented for a non-elected official. It was as if the people felt the national peril instinctively and created a center around which the national purpose could rally.

Today Chief Justice Iftikhar Choudhary presents himself before the nation as a glowing beacon against the forces of darkness, Aka General Musharraf. There is no sublimer picture in our history than this of the Chief Justice, facing all alone, a military dictator, serene and unafraid, refusing to resign, interposing the shield of law in the defence of the Supreme Court. It reminds one of Justice McReynolds of US Supreme Court. "I will not resign", he said, "as long as that crippled son of a bitch (Roosevelt) is in the White House".

Chief Justice Iftikhar knows he is not a Hercules. He doesn't have the capacity to move the country with words or with eloquence. But he has character and character counts more than any other single quality in a leader. When the chips are down, how do you decide? Which way do you go? He tells the people to soldier up and assures them, they were going to win. So here we have - courage, fearlessness, determination - call it as you will.

When we organize with one another, when we get involved, when we stand up and speak out together, we can create a power no government can suppress. We live in a beautiful country. But people who have nothing but contempt for the people and no respect for democracy, freedom or justice have taken it over. It is up to all of us to take it back. And as Margaret Mead said, 'never doubt that a small group of thoughtful, committed citizens (in this case members of the Bar) can change the world; indeed, it is the only thing that ever has'.

In many ways the revolution triggered by the courage of one man - Chief Justice Iftikhar - is the test of fire of the constitutional system of Pakistan. It represents an extralegal appeal to the nation to settle the fundamental political issue facing the country - who is to rule this country? A General in uniform or elected representatives of the people? Ultimately, such issues are decided, not by the Supreme Court to which the resolution of such questions was confided by the constitution, but by the people on the streets of Pakistan.

As so often in our history, an essentially political controversy has been converted into a legal battle, with the disputed issues being argued in constitutional terms in the hope that the crisis could be settled peacefully. It reminds one of Justice

Jackson's striking claim - "struggles over power that in Europe call out regiments of troops, in America (as in Pakistan) call out battalions of lawyers.

This is the darkest hour in the history of Pakistan. If Mr. Jinnah came back today, he would say, "I am afraid I need to erase this and start all over again". 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 have 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. Cometh the hour, cometh the man". The hour has found the man who has the character, the will and the determination to speak truth to the military dictator. Chief Justice Iftikhar Mohammad Choudhary appeared on the scene like a *deus ex machina* and changed the course of history. '*La verite en marche*'. Truth is on the march, and nothing shall stop it. And, as Margaret Mead said, "never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever has".

Our moment of truth has arrived. To borrow the prophetic words of Dostoevsky, "I have a presentiment of sorts that the lots are drawn and accounts may have to be settled far sooner than one might imagine in one's wildest dreams".

## **All Parties Conference**

“When a nation allows itself”, as Churchill would say, “to submit to a tyrannical regime, it cannot be absolved of the sins of which that regime is guilty”. A free nation can be stifled by indigenous autocrats only through its own apathy and folly. General Musharraf’s military rule is a stain on our collective conscience.

With the license granted by the Supreme Court, and the acquiescence of a rubber-stamp parliament, General Musharraf has been able to trample on the constitution and the once – cherished liberties it contains.

No wonder, Pakistan is under army rule for the fourth time and going downhill. One of the few achievements of General Musharraf has been the creation of a consensus among our people, a shared view that stretches from one end of the political spectrum to the other. This new consensus holds that the Presidency of General Musharraf has been a calamity and a historical failure. The only dispute between them is over the size and depth of the hole into which Musharraf has led the country he pledged to serve.

Today a politically retarded Pakistan finds itself in a valley. Looming above is a military dictatorship. It is not possible to speak of army rule and democracy or freedom in the same breath. General Musharraf is leading the country to a perilous place. His authoritarian rule is fast acquiring the mantle of permanence.

Unless checked, the country will settle into a form of government with a democratic façade and a hard inner core of authoritarianism – an iron hand with a velvet glove. When that happens, there will be no need for the imposition of martial law. Another five years of General Musharraf’s rule could easily become a life sentence for our fledgling democracy. What sort of hope will there be for the youth of this country? What to believe in? What, indeed to fight for?

The Generals have not taken over Pakistan. We have given it to them. They rule Pakistan not because of their strength, but because we let them rule. The great appear great to us only because we are on our knees. The Generals ruling Pakistan are dancing on a volcano. For what is an eruption of Vesuvius compared to the cataclysm which is forming under our very feet. There is no dynamic now pulling the nation together. All the dynamics are pulling the country apart. A testing time critical to Pakistan is now upon us.

The inescapable truth is that, within a relatively short period of eight years, General Musharraf has reduced a sovereign, independent, democratic country, the only nuclear state in the Islamic world, to a highly insecure, vassal and 'rentier' state. He has turned our national army, our only shield against foreign aggression - into a presidential private army, a Pakistani counterpart to Rome's Praetorian Guard. "It took the Roman Empire a hundred years of the most enjoyable decadence to achieve the same result".

No dictator gives up power voluntarily or peacefully. That is the lesson of history. Eight years after General Musharraf seized power in a coup, he is clinging to office "like a dirty old piece of chewing gum on the leg of a chair" and is still hunting for legitimacy. He is unlikely to find it democratically. Anyone who thinks elections will be free and fair or that General Musharraf will transfer power to the elected representatives of the people, must have his head examined. Long ago, Trotsky wrote, "No Devil cuts off his claws voluntarily". "No man ever willingly gives up public life", President Roosevelt once said, "No man who has tasted it". A person who possesses supreme power seldom gives it away peacefully and voluntarily. Why should General Musharraf? Drawing on an ancient Chinese proverb, Harry Truman recounted in his memoirs that being President, "is like riding a tiger. A man has to keep on riding or be swallowed".

Musharraf's case is different. Because he lacks legitimacy, it is not for him to decide when or where to dismount. His fate depends on how hungry the tiger is. General Musharraf will not give up power easily. It seems we have to wait for Armageddon to achieve that result.

Today the core issue facing the nation is freedom from army rule. The single, biggest, burning issue before the country is this: How to end military rule? How to put the country back on the democratic path? How to reclaim the army from its abuse by a power-hungry junta who want to use it as an instrument for grabbing and retaining political power. Today no sane person in Pakistan doubts that, for a Pakistani, freedom means freedom from army rule, that freedom from army rule is a vital and necessary condition for Pakistan's renaissance. It is axiomatic that army has no role in any democratic country. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East Pakistan made it abundantly clear that the federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule. Pakistan cannot survive under military rule direct or indirect, with or without a civilian façade because military rule is an anachronism, lacks legitimacy and is doomed to failure.

The issue before the nation is autocracy against republicanism; democracy versus military dictatorship; people versus Generals, freedom versus slavery. Every political leader and every citizen is free to decide where he stands. Do we wish to remain citizens of a Republic, or do we prefer to live under a thinly veiled military dictatorship? Do we prefer Rule of Law or rule of a General? It is as simple as that. I believe, and always shall, that indifference to despotism is treason and cowardice.

This is “election” season in the Islamic world. Syria just held Presidential and parliamentary elections! Algeria has held parliamentary elections! Egyptians will be asked to vote this month on a new upper House of Parliament! There will soon be elections in Jordan, Morocco, and Oman, followed by elections in Qatar. Last but not least, General Musharraf has just announced that he will contest the forthcoming Presidential Election in uniform! In an interview to Al-Arabia, an Arab television, he said that he will not take off his uniform. He won the last election in uniform, he said, and will again contest the election in uniform and win!

So, is democracy suddenly taking root in Pakistan? Unfortunately, the reverse is true. Elections have increasingly become a tool of authoritarian leaders to claim legitimacy. The Islamic world contains the world’s greatest concentration of unelected monarchs, military dictators, and usurpers, answerable to none, all supported by America. None would survive without American help. They seem more concerned with protecting themselves and their thrones than protecting their countries. “Elections” in Pakistan are, therefore, not a barometer of progress and tarnish the concept of democracy.

Musharraf has promised election in 2007. Everyone knows it has a pre-ordained outcome. Election – open, free, fair and impartial are the essence of democracy, the inescapable sine qua non. But how can we have fair and impartial elections in Pakistan when the country is virtually under military occupation and is ruled by a General in uniform who doesn’t want to part with power? What is worse, he is using the Pakistan army as an instrument for retaining political power. How can we have credible elections in this country when the two mainstream political parties have been decapitated and their leaders forced to live in exile in distant lands?

We have arrived at the epilogue, at the greatest turning point in our history. One feels in the air the sense of the inevitable which comes from the wheel of destiny when it moves and of which men are often the unconscious instruments. Musharraf’s star has grown dim. He is losing political capital by the hour. Today it is hard to find anyone who believes a word of what he says. Today the only person willing to defend him is none other than General Musharraf himself, so

alone and so beleaguered. Please, Mr. President, it is time for you to go. Your nation doesn't want you anymore. Your interest and the interest of Pakistan do not coincide.

The people of Pakistan do not trust their Commander-in-Chief any longer and do not want to follow his lead. None of his signature policies have much resonance with the mass of our people today. This nation asks for change and change now. The sooner General Musharraf realizes this, the less costly his departure will be for his people.

Thanks to Chief Justice Iftikhar, a judicial earthquake has remade the political terrain in Pakistan. Courageous men and women have raised the flag of freedom from army rule, refusing to mortgage their future by remaining silent in the present. The spirit of revolt had been smoldering since long. All it needed was a "big issue", a "seminal event" to force it into flame. Ironically, that issue was to come from General Musharraf's fateful decision to send a malafide reference against Chief Justice Iftikhar. The May 9 meeting was the final straw. Chief Justice Iftikhar provided the spark when he defied the dictator and refused to resign. That was the "seminal event" that shook the people - sunk in lethargy - out of their stupor and transformed cowards into brave men. In truth, people had never been given a chance to be brave. All that this country needed was a theme song. The people needed somebody to come along and give them a rallying cry. Today defiance is in the air, on the streets, in the papers, everywhere and in everything.

It is time to turn the page. The time to hesitate is through. This is a moment of great hope for Pakistan. Don't let it turn into a national nightmare. In this transcendent struggle between democracy and authoritarianism, neutrality is not an option. You're either with the people or against them. There is no half-way house. As we approach the endgame, the nation has to decide between two conception of politics, two visions for our country, two value systems, two very different paths: democracy or dictatorship, confrontation or collaboration. Every citizen must ask himself now, if democracy is to survive, if Pakistan it to survive, whether we can afford to let General Musharraf remain in power, in uniform or without uniform, with a civilian façade or without a civilian façade.

What prevents the opposition parties and their leaders from joining hands and presenting a united front against military despotism? What prevents them from taking to the street as they have in other countries and as they have in the past in this country? What prevents them from putting national interest above petty selfish interest? Today we are at the crossroads of a historic choice. This is the last chance, the last battle. If we shall not stand out into the streets, a long polar night will descend on Pakistan. Isn't it a great tragedy that at a time when a

window of hope has opened, our political leaders are dithering and cannot forge a united front against the military dictatorship?

Democracy does not flow from the barrel of the gun. That is for sure. People power alone can restore democracy from military dictatorship. Time and again – in 1789, 1848, 1871, and 1968, to name only the most historic years – mass protests have kicked out rulers, and toppled governments. Our military rulers know that the street is all they have to fear. Confronting General Musharraf has now become a patriotic duty. Today there is no other path for our country, but the one Chief Justice Iftikhar, members of the Bar and civil society are treading.

Pakistan is not a case of failed state. It is a case of failed leadership. Chief Justice Iftikhar has brought a gleam of hope to his people who were beginning to despair. But who, among our political leaders, is there to follow his noble example? Who is there to prevent a lawless President, a spineless parliament, a pliant judiciary and a complacent civil society from stomping on the constitution? The times cry out for leadership.

Today there is only one measure by which people appraise their leaders in these troubled times: the degree to which they stand up to despotism. Will our leaders meeting in London heed the people and mount a direct challenge to the dictator and save the national soul before it is too late. Meanwhile, General Musharraf is plunging us farther and farther into a chaos that can end only with the disintegration of Pakistan.

Today there is an intense anxiety on the part of ordinary people for decisive leadership. People are waiting for a stirring lead and clarion call. Isn't it ironic that our political leaders appear unswayed by this national outpouring to demonstrate bold leadership? It seems that while the nation craves for leadership, political leaders are equally determined not to lead them. Is it because they want to collaborate and do business with military dictator? Isn't it a great tragedy that today the destiny of Pakistan is in the hands of its reluctant leaders who refuse to draw the sword people are offering them. What they don't realize is that they are losing initiative and fast becoming irrelevant.

At this time, all those who see the perils of the future, whatever their political orientation, must draw together to take our country back from the Generals. Today freedom from army rule trumps everything. We need to reinvent Pakistan. Our ship of state has hit rough waters. It must now chart a new way forward. If we do not act, and act now, the mess we are in will get even bigger, deeper and taller. We are standing on a "burning platform". If we don't work quickly to extinguish the blaze, the country and all of us in it would sink into the sea.

## **The Politics of Exiles**

The All Parties Conference took place in London on July 7 & 8, sans Benazir Bhutto, against a backdrop of killing of hundreds of innocent men, women and children in Lal Masjid and Jamia Hafsa. The ever impetuous General Musharraf turned Lal Masjid and the Madrassah into killing fields at a time when the Titanic that is his Presidency had just hit a fresh iceberg, the May 12 state – sponsored carnage. But who cares? “What did it matter”, Louis Philippe had said, “if a hundred million shots are fired in Africa? Europe does not hear them”.

The cold-blooded murder of innocent women and children cries out to heaven for vengeance. The assault on Lal Masjid was avoidable. It was a gory exercise in folly. Time was against Ghazi Abdur Rasheed. The problem could have been resolved through negotiations, but General Musharraf spilled blood to establish his credentials as a crusader against “religious extremism”. One day he will have to justify the necessity and legality of the attack. One day he will have to justify the quantum of force he used which resulted in the tragic deaths of so many innocent men, women and children. It will not be enough to quote Nixon and say that “when the President does it, it means it is not illegal”.

No one in this country, including the State, has the right to kill anyone except by the authority of law. The law does not give General Musharraf the power to kill a person just because he calls him a militant or a terrorist. It is not the function of the President or the Chief of Army Staff to hold a person innocent or guilty.

That is a matter for the courts to decide. The constitution states, “No person shall be deprived of life save in accordance with law”. Why was this constitutional requirement not complied with on July 10? Is the military government prepared to hold a judicial inquiry at the level of a Judge of the Supreme Court to ascertain the truth?

The rulers of ancient Rome and Greece sent their dissidents off to distant colonies. Socrates chose death over the torment of exile from Athens. The poet Ovid was exiled to a fetid port on the Black sea. Georgian Britain sent its pickpockets and thieves to Australia. 19th century France sent convicted criminals to Guyana.

Portugal sent its undesirables to Mozambique. Stalin deported Trotsky first to Turkey and then to Mexico. “I propose to send him abroad. If he comes to his senses, the way back won’t be barred”, Stalin said. General Musharraf keeps his

political opponents in London and Dubai and prevents them from returning home. Exile is a traumatic experience. Forced out of their domestic terrain, the exiled leaders suffer from loneliness, homesickness, frustration, inactivity, and escapist delusions. The environment of exile politics is sterile, corrosive and demoralizing. The tragedy of exile is first and foremost of human suffering, isolation, depression, family break-up and despair. The longer the exile, the more difficult to return. For exiled leaders the major danger is to become frozen in opposition, increasingly out of touch with the mood 'back home', and increasingly integrated into the life of the host country. So far, I regret to say, the major winner in the political war directed from exile is, the military regime of General Musharraf, not the exiled protagonists.

Like Pinochet, General Musharraf uses exile as an instrument of political control. He has used exile to strengthen his grip over political life and uses the exile issue as part of 'divide and rule tactics'. Exile has been a turning point in the life of both Nawaz Sharif and Benazir. It has radicalized Nawaz Sharif's politics. His goal now is: freedom from army rule. His tactics: total rejection of General Musharraf, in uniform or without uniform. No deal and no dialogue with the military dictator. Confrontation not collaboration. No rapprochement with the usurper. When you meet Nawaz Sharif, he talks of going to the people. He talks of harnessing people power and street power to topple the dictator.

At the All Parties Conference, he emerged as a statesman and a great unifier who brought irreconcilable elements together. To all those Pakistanis who are in exile in foreign countries, Nawaz Sharif communicates the right and the passion to return to their country as free citizens on their own terms. To those who are in exile in their own country and have not experienced even the freedom of sanctuary, he gives the hope of liberation from army rule.

Exile has had just the opposite effect on Benazir. In stark contrast, it has moderated her once revolutionary fervour. She advocates collaboration rather than confrontation with General Musharraf. It reminds me of what Marshall Petain told the French after the fall of France, "It is in a spirit of honour, and to maintain the unity of France... that I enter today upon the path of collaboration. This collaboration must be sincere". After liberation, he was convicted of treason for collaborating with the enemy and sentenced to death. General De Gaulle commuted it to life imprisonment. Marshall Petain, the hero of Verdun, died in jail.

Benazir is pragmatic, talks in terms of real politic and ground realities rather than ideals and abstract concepts. She talks of election under army rule, not freedom from army rule and doesn't want to take the battle to the streets for fear of rocking the boat. Isn't it a great tragedy that she refused to join the combined

opposition meeting in London to discuss the core issue facing the nation: freedom from army rule. Will she ever see the light? Will she ever heed the people? Will she ever join hands with the opposition, mount a direct challenge to the dictator and save the national soul before it is too late. I still see a flicker of hope that when the chips are down, she would see the reality of the situation in Pakistan and do what her people expect her to do.

Be that as it may, now that Benazir has parted company with the opposition and has opted for collaboration with the General, the nation has to decide between two conceptions of politics, two visions for our country, two value systems, two very different paths: democracy or dictatorship, confrontation or collaboration.

Every political leader and every citizen must ask himself now, if democracy is to survive, if Pakistan is to survive, whether we can afford to let General Musharraf remain in power, in uniform or without uniform, with a civilian façade or without a civilian façade. How can anyone join Musharraf at a time when his star is going dim? It will be the first known case in history of a rat joining a sinking ship!

One man, one man alone, is responsible for the mess we are in today. My dear countrymen, this is the point to which one man has brought us; one man alone. Surrounded by sycophants and opportunists, he is full of himself and is far too blinded by self-righteousness to even fleetingly recognize the havoc he has inflicted on Pakistan. Today he inspires contempt and dismay more than anything else. People just can't wait for him to leave so that someone, anyone, can turn the page and start rectifying the damage. When he leaves, he will leave Pakistanis feeling much the way they did after Yahya Khan left: in a state of anger about the state of the nation.

A Musharraf fatigue has infected Pakistani politics. Our ship of State has hit rough waters. When the ship sails onto the rocks, the captain is relieved. For his own sake more than anything else, General Musharraf should fall on his sword and cede the reins of command. Pakistan must then chart a new way forward.

Talking about despotic rulers, like himself, Mussolini said just before his violent death: "Have you ever seen a prudent, calculating dictator, they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions – and it is actually that mad passion which brought them to where they are". Absolute power, unrestrained by law, must make people mad. How else can one explain the disastrous move made by General Musharraf against Chief Justice Iftikhar Mohammad Choudhary on March 9 and the totally reckless and easily avoidable massive assault on Lal Masjid and Jamia Hafsa resulting in the tragic death of hundreds of innocent men, women and children.

## **The Axis of Evil**

A drowning man, they say, catches at a straw. Losing political capital by the hour, beset by a deepening military quagmire in Waziristan, a fast deteriorating law and order situation across the country, and with no political support, General Musharraf is desperate for a political overture that would show some promise before the upcoming Presidential election.

No dictator gives up power voluntarily or peacefully. That is the lesson of history. Eight years after General Musharraf seized power in a coup, he is clinging to office "like a dirty old piece of chewing gum on the leg of a chair". Anyone who thinks elections will be free and fair or that General Musharraf will transfer power to the elected representatives of the people, must have his head examined. He should go home, take a nap, wake up refreshed and think again. Long ago, Trotsky wrote, "No Devil cuts off his claws voluntarily". Why should General Musharraf?

General Pervez Musharraf, so alone and so beleaguered, does not want to give up power. Isn't it pathetic? He wants the sitting parliament to elect him as President for another five years before its terms expires! He also wants to retain his office as Army Chief at the time of election, despite constitutional obstacles! And he wants a caretaker government of his choice to supervise the election! So what are his options? He has no intention to play fair and exit gracefully. That is for sure. Alternatively, he could impose martial law, cancel elections, shut down the Supreme Court and hope to weather the storm at home and abroad. Or he could strike a deal with Benazir who faces corruption charges at home and abroad and longs for power, even the crumbs of power. She is, therefore, quite receptive to the General's overtures. She has been out in the cold too long and has had a long wait for time's whirligig to spin in her favour.

Martial law is no option. Times have changed. It is a recipe for disaster and will be resisted by the people and the courts. General Musharraf has therefore opted for a deal with Benazir. The sinister news broke upon Pakistan like an explosion. The French have a word for it: Cohabitation. It can mean politicians of different persuasions tolerating each other or loving couples moving in together. People do not know the tenor of their talks or the terms of the deal. Be that as it may, it is a cowardly and fatefully stupid move, reminiscent of the infamous Berlin-Moscow pact between Hitler and Stalin. One thing is clear. Both Musharraf and Benazir, equally devoid of moral or ethical restraints, are driven by purely selfish

interests. If you have no moral or ethical scruples, it often seems to gain great advantages and liberties of action, but “all comes out even at the end of the day and will come out yet more even when all the days are ended”.

Nobody in Pakistan has any doubt that, deal or no deal, people will frustrate General Musharraf’s desperate attempt to perpetuate his rule. The combined Opposition, minus Benazir, will challenge General Musharraf and fight him on the streets of Pakistan, in the hills of Frontier, the deserts of Balochistan and the plains of Punjab and Sindh. They will also challenge him in the Reborn Supreme Court. And the Supreme Court will be the final arbiter. A Supreme Court flush from victory, led by a courageous and triumphant Chief Justice, will, hopefully, thwart General Musharraf at every turn.

People who seem to have no power, once they organize and protest, acquire a voice no government can suppress. The sea of crowds welcoming the Chief Justice give the lie to the view that power only vests with those only who have the guns. People, when organized, when they stand up, speak out, dig in, connect, form networks of resistance, have enormous power, more than any government. They alter the course of history.

At certain points in history governments find that all their powers is futile against an aroused citizenry. After 60 years of slumber, Pakistan has woken up. It has raised its head, stands tall and erect.

Isn’t it a great tragedy that Benazir is now General Musharraf’s accomplice and collaborator in the crime he is about to commit against our country? Remember, Marshall Henri Philippe Petain, the hero of Verdun. He was tried for collaboration and sentenced to death. Shaheed Zulfikar Ali Bhutto, Prime Minister of Pakistan, was carried on a stretcher and hanged by a military dictator. His crime: he refused to collaborate. He refused to bend before Power. How can his daughter collaborate with a military dictator? How can Benazir place herself on the wrong side of the barricade? The full-throated slogan of her party workers on the Constitution Avenue – “Go Musharraf go”, still rings in my ears. How can anyone join Musharraf at a time when his star is growing dim? Today he is like a sinking ship. No sane person joins a sinking ship. If he does, it will be the first known case in history of a rat joining a sinking ship.

If the deal is taken in some quarters to indicate that it will weaken the resolve of the people to fight military dictatorship, no greater mistake could be made. Democracy does not flow from the barrel of the gun. That is for sure. People power alone can restore democracy from military dictatorship. Time and again – in 1789, 1848, 1871, and 1968, to name only the most historic years – mass protests have kicked out rulers, and toppled governments. Our military rulers

know that the street is all they have to fear. Confronting General Musharraf has now become a patriotic duty. Today there is no other path for our country, but the one Chief Justice Iftikhar, members of the Bar and civil society are treading. Benazir, I regret to say, is committing the biggest blunder of her political career. It is remarkable what political risks she runs in collaborating with the military dictator, knowing the beginning of the end has arrived for him. Even more surprising are the miscalculations and the ignorance which she displays about what is coming to her.

One thing is clear. Sooner or later, perhaps sooner than later, General Musharraf will leave office well and truly loathed. Loathed and mocked – loathed, mocked and despised. I have seen the rise and fall of military dictators in Pakistan from a ringside seat. When I last met Ayub Khan, the best of them all, his good star had finally deserted him. The Goddess of Destiny had made up her mind. Destiny had dropped him at last. I saw his departure in tears from the presidency he once bestrode like a colossus. I saw General Yahya Khan in custody after he lost half the country in a disastrous war. Why repeat the same mistakes? Why go against the current of history? Why involve the army once again in dirty politics? It is our only shield against foreign aggression. Why weaken it? Without demilitarization, Pakistan risks revolution. Why not break with past tradition and follow the straight honest path back to parliamentary democracy? The course Musharraf is on leads downhill. Why follow this tortuous, devious, circuitous road to the abyss and imperil the integrity of the country once again? We have been through the valley of shadows before. Do we have to go through it again? It is not too late for General Musharraf to spare the country the trauma and himself the disgrace of another confrontation with the people and the Supreme Court. There is a simple way out. He should announce that he will not be a candidate in the upcoming Presidential election, seek forgiveness from the people and quit.

## August 14 - General Musharraf on the Ropes

On August 14, 1947, I was a free man, proud citizen of a free, independent, and sovereign country which I could call my own, a country I could live for and die for. I was young-twenty four to be precise- full of *joie de vive*, idealism, hope and ambition. To quote Wordsworth: 'bliss was it in that dawn to be alive. But to be young was very heaven.' On that day, we dreamed of a shining city on the hill and the distant bright stars. It was a day that should never have ended. For it was like a dream come true, and carried with it a sense of pride, of excitement, of satisfaction, and of jubilation that it is doubtful whether any other can ever come up to it. On that day, over a century and a half of British rule came to an end. The Union Jack was lowered for the last time. I saw the sun set on the British Empire in the sub-continent. I witnessed its dissolution and the emergence of two independent sovereign countries.

Today Pakistan is a shadow of what it used to be. What is there to celebrate? We lost half the country in a totally unnecessary and easily avoidable civil war. Today the Federation is united only by a 'Rope of Sand'. 60 years after independence Pakistan is under army rule for the fourth time and at war with itself. It has a disjointed, dysfunctional, lopsided, hybrid, artificial, political system - a non-sovereign rubber stamp parliament, a weak and ineffective, imported Prime Minister, appointed by a powerful President in military uniform. As we look back at all the squandered decades, it is sad to think that for Pakistan it has been a period of unrelieved decline and the dream has turned sour.

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

Eight years of army rule have reduced us collectively to a plantation of slaves. Pakistan is spiraling into the abyss. Our entire political system has been pulled into a black hole. Public criticism of the generals ruling Pakistan has become widespread. The army, once held in high esteem, is now being seen in a different

light.

Army rule has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. The result is the mess we are in. The country appears to be adrift, lacking confidence about its future. Never before has public confidence in the country's future sunk so low.

October 12, 1999 will go down in our history as another day of infamy, another sad milestone on the downward path. This is the darkest era in the history of Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. It is no longer a democratic country. American military personnel cross and re-cross our border without let and or hindrance. They violate our air space with impunity, kill innocent men, women and children in Waziristan and Bajaur. To please the Americans, General Musharraf has deployed over 80,000 troops in the rugged tribal area and is fighting a proxy war against his own people. He has handed over more than 700 so-called Al Qaeda militants to the United States as his contribution to the American war on terrorism. More than 500 soldiers, the flower of our army, have died fighting Wazir and Mahsud tribesmen. For what?

The nation has been forced against its will to accept a totalitarian democracy. The Pakistan Mr. Jinnah founded is gone. It disappeared the day power - hungry Generals used the army as an instrument for grabbing political power and hijacked Pakistan. On that day, the lights went out. Pakistan slid into darkness. The eight long years General Musharraf has remained in power will go down in history as "the nightmare years". The nightmare is not over yet.

One thing is clear. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East Pakistan made it abundantly clear that the Federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule.

People are getting fed up with tinhorn despots. The people of Pakistan have soured on this "President in uniform". The "commando President's" aura has crumbled. His star is already burning out. People have crossed the psychological barrier and overcome fear. They will resist if General Musharraf tries to perpetuate his rule through rigged elections or extra-constitutional measures. Now that members of the Bar, civil society and political activists have taken to the streets in defence of our core institutions, things will change. The status quo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless. The long nightmare will be over. It will be morning once again in Pakistan.

With the reinstatement of Chief Justice Iftikhar Mohammad Choudhary, people have suddenly woken up as if from a deep slumber, and are demanding end to military rule and return to authentic, unadulterated democracy. Democracy, which all these years was in limbo, stalled, waiting for a strong breeze to carry it forward, is once again on the march in Pakistan. Islamabad had never witnessed such electrifying, intoxicating scenes. Thousands of protestors – members of Bar in black coats and black ties, political party activists, members of civil society, all marching up and down the Constitution Avenue, flags flying and drums beating, is unprecedented in the history of Islamabad. This is not a sign of Pakistan's decline or threatening doom. It is a sign of Pakistan's vitality. It is evidence of a new beginning.

General Musharraf has painted himself into a corner. While he no longer has many true believers, he still has plenty of enablers in key positions – people who understand the folly of his actions, but refuse to do anything to stop him. No wonder, Musharraf keeps doing damage because many important people who understand how his folly is endangering the nation's security, still refuse, out of careerism, to do anything about it. "Depart, and let us have done with you", Cromwell told the Rump Parliament. If General Musharraf tries to stay despite the people's judgment, despite the people's anger, they will hound him out.

That is for sure. Talking about Czarist Russia, Mark Twain exclaimed, "If such a government cannot be overthrown otherwise than by dynamite, then thank God for dynamite". It is not too late for General Musharraf to spare the country the trauma and himself the disgrace of another confrontation with the Supreme Court. There is a simple way out: he should announce that he will not contest the presidential election, seek forgiveness and depart.

## **Sweeping Tyranny Away**

For eight years, Pakistan has been an experiment in one man rule. The experiment has left the state with few functioning institutions – a rubber stamp parliament, a figurehead prime Minister, a politicized army, and a demoralized civil service. General Musharraf's failures have handed us a legacy of ashes.

We have arrived at the epilogue, at the greatest turning point in our history. One feels in the air the sense of the inevitable which comes from the wheel of destiny when it moves and of which men are often the unconscious instruments. General Musharraf's star has grown dim. He is losing political capital by the hour.

Today it is hard to find anyone who believes a word of what he says. Today the only person willing to defend him is none other than General Musharraf himself, so alone and so beleaguered.

The clearest lesson of history is that no dictator gives up power voluntarily or peacefully. Why should General Musharraf be an exception? Eight years after he captured political power in a military coup, the bottom line is inescapable: General Musharraf has no intention of giving up power. Another five years of General Musharraf could easily become a life sentence for Pakistan.

So how will change ultimately occur in Pakistan? In a democracy, political change is linked to a change of rulers, which occurs regularly and at minimal social cost. The saving grace for America may be that, unlike emperors, US Presidents, including catastrophic ones like Bush, are limited to eight years in office. We in Pakistan, are not so lucky. Unless, Fate intervenes, we are stuck with General Musharraf for an indefinite period.

The absence of democracy, however, does not prevent a change of rulers. It happens anyway. It takes the form of revolution. Some are "soft" like the velvet revolution in Czechoslovakia in 1989 or the "orange" revolution in Ukraine in 2004. Some are bloody like the October revolution in Russia or the Iranian revolution. Nobody denies the inevitability of change of power in Pakistan. It will happen sooner or later, perhaps sooner than later. But when it does happen, it may not be "velvet".

Is Pakistan en route to choosing a President in a free, fair election in accordance with the spirit of the constitution? My short answer is No. Power corrupts. Absolute power corrupts absolutely. It also turns people mad. 'Whom the god would destroy, first they make mad'. After eight years of absolute rule, General

Musharraf wants the sitting parliament to elect him President for another five years! He wants to retain his office as Army Chief at the time of election despite constitutional difficulties! And he wants a caretaker government of his choice to supervise the upcoming elections! Unless he imposes martial law, his bid for another five-year Presidential term will almost certainly depend on the decisions of the Supreme Court and its reinstated Chief Justice Iftikhar Mohammad Choudhary. The court will be asked to decide whether General Musharraf can run while still Chief of Army staff, whether the Constitution bars him from seeking what may be considered third term; and whether he can seek election by the current parliament, as he wants, or must wait until the new legislature is chosen this autumn. These are questions that would be decided by the Supreme Court.

As luck would have it, the Supreme Court has fallen out of love with General Musharraf. Its unanimous judgment in favour of Mian Muhammad Nawaz Sharif, the exiled Prime Minister of Pakistan and his brother Shahbaz Sharif, is yet another stinging rebuke and another snub to General Musharraf. It has galvanized the nation. The country is in the throes of euphoria. Resistance is in the air. The nexus between the Supreme Court and the army has snapped. General Musharraf can no longer take its support for granted. The Supreme Court, the guardian of the constitution and protector of the citizen's liberties, stands erect.

In a Shakespearean play, once an armed hero arrives to save the day, the tide of battle turns. So it was when Chief Justice Iftikhar Choudhary confronted the military dictator on March 9 and raised the shield of law to protect the constitution and the Supreme Court. Iftikhar Mohammad Choudhary's appointment as Chief Justice of the Supreme Court was one of the happy accidents that changed the course of history. Had Fate not intervened, he would have retired, like any other Chief Justice, leaving behind an indifferent judicial record.

But somewhere in the universe, a gear in the machinery shifted. As history shows, everyone must, from time to time, make a sacrifice on the altar of stupidity to please the deity. General Musharraf thought himself poised on the cusp of power, but was about to start sliding down a slippery slope whose end is bound to be disastrous. That is for sure. He made a fateful move on March 9, a day which will be remembered as a Black day, a day of infamy in the history of Pakistan.

So where do we stand? "Military coups", Tocqueville warned more than 200 years ago, "are always to be feared in democracies. They should be reckoned among the most threatening of the perils which face their future existence.

Statesmen must never relax their efforts to find a remedy for this evil". Eternal vigilance, they say, is the price of liberty. Marx once said: "Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them". Any attempt by General Musharraf to challenge the Supreme Court and circumvent the constitution will be resisted by the people of Pakistan and the judiciary. That is for sure. People will stand up. They will dig in, organize and connect. They will form networks of resistance throughout the length and breadth of the country to protect the constitution and the Supreme Court. That is how they will alter the course of history.

This is the last chance, the last battle. If we shall not stand out into the streets and shout, the long polar night will descend on Pakistan. Now or never is the moment when salvation from military rule is possible.

Despite all the fear, apprehension and uncertainty today, I sense that the tide of public opinion against General Musharraf is flooding in and that this dreadful regime will find itself overwhelmed from within.

As we approach the endgame, the last chapter of this tragic story, General Musharraf knows the party is almost over for him. And yet, far on the distant horizon, foolish hopes still flicker. So alone and so beleaguered, General Musharraf is desperately hanging on to office, hoping that a miracle will somehow save him and his tottering regime. He is fast approaching the time when dictators start packing their bags and calling for a helicopter. This is not fantasy; it is recent history. Remember Somoza in Nicaragua scurrying to his private plane; Ferdinand and Imelda Marcos hurriedly assembling their jewels and clothes, the Shah of Iran desperately searching for a country that would take him in as he fled the crowd in Tehran, Duvalier in Haiti barely managing to put on his pants to escape the wrath of the people.

Where does General Musharraf stand today? Authority he never had. All he had was raw power. That too he is losing by the hour. Faith in his leadership is slipping like an avalanche. He has lost the confidence of the people. Please, Mr. President, it is time for you to go. Your nation doesn't want you anymore. Your interest and the interest of Pakistan do not coincide. You have already made history. Now get out and let it happen.

The people of Pakistan do not trust their Commander-in-Chief any longer and do not want to follow his lead. None of his signature policies have much resonance with the mass of our people. This nation asks for change and change now. The sooner General Musharraf realizes this, the less costly his departure will be for his people.

During the last 60 years, the Indian army has largely remained in the barracks, brought out on the Republic day in January every year like family silver for display. In stark contrast, Pakistan is under military rule for the fourth time and going downhill. We must reclaim the path on which we journeyed before we succumbed to military dictatorship. People must revisit what Pakistan was and where it was going to gain a better grasp of what it is and where it can and should go. This is how Pakistan's path to its rightful future may be regained. Jinnah's vision may have been interrupted, but his dream still lives.

Today Pakistan sits between hope and fear. Hope for a political possibility that would lead to the supremacy of civilian rule and a free and democratic Pakistan ready to regain its place among the democratic nations of the world. Fear that General Musharraf will circumvent the constitution in an attempt to perpetuate his rule. Musharraf is playing with fire. But playing with fire tends to produce explosions.

It is far easier for soldiers to topple an elected government than to manage their safe exit from the front of the political stage. General Musharraf's vacation from reality this summer should make us very afraid. He has become a prisoner, a toy with which destiny played. His apparent confidence is not reassuring. It is terrifying. It doesn't demonstrate his strength of character; it shows that he has lost touch with reality.

Actually, it is not clear that he ever was in touch with reality. When I watched him a few days ago on television, he looked like the captain of a sinking ship, the wind of defeat in his hair. Our ship of State has hit rough waters. When the ship sails onto the rocks, the captain is relieved. How fortunes fluctuate!

I end this article with Prime Minister Chou enLai's poem written in the early days of the struggle.

*A whirlwind pounds*

*Our heartsick land.*

*The nation sinks*

*And no one minds.*

## Cometh the Hour, Cometh the Man - II

“If the individual and the situation meet”, Willy Brandt told Oriana Fallaci, “then the machinery is set off by which history takes one direction instead of another”. The situation and the individual will meet on September 10 with unpredictable consequences. “I will return to Pakistan on September 10”, Nawaz Sharif made this dramatic announcement at a press conference in Central London. September 10 will be a turning point in our history. On that day Nawaz Sharif will return to Pakistan and to Destiny.

Nawaz Sharif has a shrewd sense of timing. General Musharraf’s government is wobbling. His administration is paralyzed and is lying prostrate in the boulevards of Islamabad. Faith in his leadership is slipping away like an avalanche. He is losing political capital by the hour. His power is oozing away. As his fortunes wane, Nawaz Sharif’s star glows brighter and brighter. As luck would have it, the Supreme Court, the Guardian of the Constitution, has fallen out of love with the General. Today it stands erect and is jealously guarding the liberties of the citizens. The struggle to secure freedom from military rule and restore democracy has reached a moment of truth. Nawaz Sharif has caught the flavor of the moment.

“There is a tide in the affairs of men, which, taken at the flood, leads on to fortune;

*Omitted, all the voyage of their life  
Is bound in shallows and in miseries.  
On such a full sea are we now afloat;  
And we must take the current when  
It serves,  
Or lose our ventures”.*  
*Julius Caesar*

*Act IV Sc 3*

Nawaz Sharif's arrival in Pakistan, eight years after he was overthrown by General Musharraf in a military coup, will be an occasion of unbridled rejoicing, for which there is no parallel in Pakistan. Ecstatic crowds will receive him when he lands. Two historic events which shook the world come to mind. Lenin left for Russia when he learned that the Revolution had succeeded and Tsarism had been overthrown. Khomeini left for Tehran after the Shah had fled the crowds. Accompanied by his aides and journalists, Khomeini boarded a specially-chartered aeroplane on the evening of January 31, 1979 in Paris. Muhammad Reza Shah, the Shah of Iran, had already left for Aswan, Egypt. Nawaz Sharif has challenged the unchallengeable who is still in power. He is flying to Islamabad, riding on the crest of a swelling wave, to beard the lion in his den.

### **The historic contest between the Titans is about to begin.**

It all started on March 9. A constellation of elements came together that day to change the course of history. General Musharraf has no conception of the forces he has unleashed. An earthquake is approaching Pakistan. Change is on the way no matter how gridlocked Islamabad may look. Public discontent has reached a critical point. General Musharraf is fast approaching the time when dictators start packing their bags and calling for a helicopter.

In an age notorious for cynical, bland, defeatist politicians, Nawaz Sharif appears to be sincere, defiant, consistent. As the protest movement initiated by Chief Justice Iftikhar and members of the Bar gathered pace, Nawaz Sharif emerged as the leader of the anti-Musharraf forces. Three of Nawaz Sharif's personal characteristics have endeared him to the people of Pakistan: His sincerity, his refusal to compromise and deal with the military dictator and his courage. He has vocally and consistently opposed General Musharraf since October 1999 when he was toppled in a military coup. His exile is living proof of this. His message: No deal, no compromise, no gradualism, no sharing of power, no rapprochement with the military dictator.

Nawaz Sharif has his finger on the pulse of the nation. He has the sagacity and credibility to unite all the disparate forces along the most radical demand: Dethronement of Musharraf. He has aroused hopes of deliverance from army rule in different strata of society. The middle classes see in him an upholder of freedom from army rule, restoration of 1973 Constitution, authentic democracy and Rule of Law. They regard him as a nationalist opposed to military dictatorship and American interference in our internal affairs.

Nawaz Sharif has that elusive quality we call leadership. It may be impossible to say what makes a great leader, but we know leadership when we see it. Today Nawaz Sharif presents himself as a glowing beacon, a national savior to whom

the country will rally in its hour of greatest need at a time of painful disarray. Today Nawaz Sharif has the capacity to mobilize the people against dictatorship in all the federating units.

He has character and character counts more than any other quality in a leader. He tells the people that history is on their side and they were going to win. So here we have: Courage, determination, fearlessness.

Call it as you will. Today Nawaz Sharif is like a classic hero who has emerged reborn, baptized in the waters of public opinion, made great and filled with courage.

A simple act of courage shown by Chief Justice Iftikhar triggered a revolution which knocked away the foundations of dictatorship. Leaders in transitional times are often suited to the beginning of the new phase and seldom to carrying the venture through to its end. They are heroes of the moment. Nawaz Sharif is destined to carry the revolution triggered by Chief Justice Iftikhar to its logical conclusion. There are moments in history when it seems that future course of events may well depend on one man and one man only. When a nation is in crisis, it needs a man to match the times. You don't create such a man. You recognize such a man. Nawaz Sharif's hour of greatest trial has come.

March 9 has opened up a great new chapter in our history – a chapter of democracy, a chapter of independence of judiciary, a chapter of Rule of Law. But it is merely the first stage, a prologue to the momentous events that are sure to follow. The main question is who would exploit the new situation?

Isolated in London and Dubai, Benazir Bhutto has no feel for the nuances of the political situation in Pakistan. Instead of joining hands with the opposition against the military dictator, she has opted for an American – sponsored deal with General Musharraf who is fast sinking. It is no secret that America and Britain, in their own national interest, are foisting an undemocratic and unpopular deal on Pakistan. General Musharraf needs the deal to stay in power. Benazir needs it to quash corruption cases against her. It is as simple as that. The verdict of history will be that it was Benazir's worst blunder, a misjudgment that caused the destruction of her party.

Nawaz Sharif knows he is on a winning streak, but he also knows that there are major battles to be fought and won. The need for continued show of popular backing is, therefore, as urgent as before. The only way to ensure victory is to wield the weapon which has brought the anti-Musharraf movement thus far: massive demonstrations, rallies and marches as evidence of popular backing.

Remember January 26 – 29, 1979 in Tehran when more than 200,000 people marched to Mehrabad airport to welcome Khomeini.

Nawaz Sharif has a rendezvous with Destiny on September 10. It seems that all the years he spent in exile and the time he spent in Attock fort had been but a preparation for this hour and for this trial. A window of hope has opened for Pakistan. At this moment, above all others, our thoughts should be concentrated upon the supreme aim: freedom from army rule once and for all. Every man and woman must stand up and be counted. The lines are drawn. Those who are not with the people are against them. People are on the march and nothing can stop them. One thing is clear. People will not falter. They will not fail. They will reach the earthworks. All is ready. Bugler, blow the charge.

## **A Period of Great Events and Little Men**

From time to time in the life of any country, or any nation, come occasions when there should be no doubt about our position and where we stand. No one who has witnessed the shameful events of September 10 in this country, can doubt that such an occasion is at hand. It would be foolish to disguise the gravity of the situation.

From the beginning General Musharraf's government has behaved in a way no civilized government would dare behave when faced with a peaceful, disciplined, democratic expression of its own people. Just when you think our situation couldn't possibly get worse, General Musharraf manages to get it down another notch. On September 10, General Musharraf crossed an invisible Rubicon and descended into total power-madness. On the eve of Prime Minister Nawaz Sharif's return to Pakistan, after seven years of exile, General Musharraf ordered the mobilization of his storm troopers all over the country to terrorize the opposition, arrest its leaders and deny people freedom of movement and assembly guaranteed under the Constitution. I don't suppose there could be a sadder or more tormented period of my life. With the deportation of Nawaz Sharif, I feel diminished. When one voice is silenced, we all become mute. When one thought is eliminated, we all lose some awareness. And when space for the expression of ideas become closed, we all become trapped in the dungeons of dictatorship.

Two things, I confess, have staggered me and plunged me, like the rest of our people, into real gloom: The shock of the events of September 10 and the dismal performance of the opposition. Many questions rush to mind. How could Prime Minister Nawaz Sharif be deported to Saudi Arabia in defiance of Supreme Court's orders? How could he be denied his "inalienable right" to remain in his country? How could General Musharraf, so blatantly, flout the order of the Supreme Court? General Musharraf seems to say: "if the constitution, and the Supreme Court and common law and the people must be crunched underfoot in order to stay in power, then so be it". One thing is clear. Pakistan's fledgling democracy has sustained a total and unmitigated disaster. Do not let us blind ourselves to that.

Following the deportation of Mian Nawaz Sharif, there is a hush all over Pakistan, broken only by the terrifying sound of bombs exploding in different parts of the country. What kind of hush is it? Alas! It is the hush of suspense. It is the hush of uncertainty. It is the hush of fear – fear of one-man rule. It is the proverbial lull before the storm.

If you want to see how a free nation is stifled by indigenous military dictators through its own apathy and folly, visit Pakistan. Today Pakistan – battered, its pride bruised – is a pretty pessimistic place. One by one, the lights are going out. But there is still time for those to whom liberties, supremacy of parliament, Rule of Law, independent judiciary, democracy and civilian government mean something, to get together to decide how to meet this challenge. Submission to tyranny is no option. I call it treason. The strong are strong because we are on our knees. Contrary to popular belief, state power is inherently weak, depending as it does on the obedience of citizens. And the moment this subservience to state is refused, the fragility of the system becomes obvious. Resistance is the only answer. It emerges from the desperate staying power of Sisyphus incessantly pushing the rock up the mountain. If General Musharraf tries to stay despite the people's anger, sooner or later they will take to the streets and hound him out. We shall, I am sure, do it in the end. But how much harder our toil for everyday's delay?

Unfortunately, opposition is rudderless and in a state of total disarray. Today our leaders are more Hamlet – like Hamlet. Most lack what the ancient Greeks called 'thumos', a patriotic spiritedness that made men put the honour of the nation ahead of personal comfort and luxury and that makes citizens willing to scarifies all for their country. Not surprisingly, General Musharraf has so easily outmaneuvered and outwitted them all.

People who believe in addressing General Musharraf through the language of sweet reasonableness and talk of collaboration (sorry dialogue) with the military dictator, remind me of the tragedy of Munich and Chamberlain's policy of appeasement. No dictator gives up power voluntarily or peacefully. That is the lesson of history. Anyone who thinks elections will be free and fair or that General Musharraf will transfer power to the elected representatives of the people must have his head examined. Democracy does not flow from the barrel of the gun. The key to Pakistan's future lies in dethroning General Musharraf and sending the army back to the barracks.

Some people seem to rely exclusively on the Supreme Court to rescue the country. Let us hope the court will not cringe before power, but even if it doesn't, it is the weakest of the three coordinate branches of the state and a General in uniform as the President of this sad country can pack the court as easily as an English government can pack the House of Lords. Ultimately, the true guardians of democracy are the people of Pakistan. A democratic government can be given to any people, but not every people can maintain it.

As he left the constitutional convention of 1787, Benjamin Franklin was asked by an admirer, "Dr. Franklin what have you given us". Franklin turned to the questioner and replied, "A Republic, if you can keep it".

Not too long ago, we too possessed a great country earned for us by the sweat of the brow and iron will of one person. Where giants walked, midgets pose now. Our rulers, both elected and un-elected, have done to Pakistan what the successors of Lenin did to Soviet Union. "Lenin founded our State, Stalin said, after a stormy session with Marshal Zhukov. The German army was at the gate of Moscow. "And we have ...it up. Lenin left us a great heritage and we, his successors, have shitted it all up". This is exactly what we have done to Jinnah's Pakistan. Isn't it ironical that a General who usurped power and subverted the constitution eight years ago, has the temerity to offer himself today as a Presidential candidate in uniform. Thanks to our political leaders, Musharraf's authoritarian rule is fast acquiring the mantle of legitimacy and permanence.

Why are we in this mess today? Why are we under military rule for the fourth time? When he was marching across Asia, Alexander the Great famously remarked that the people of Asia were slaves because they had not learned to pronounce the word 'No'. Let that not be the epitaph of Pakistan? Let that not be the epitaph of democracy in Pakistan? Let that not be the epitaph of freedom in Pakistan? Military dictatorship – the fetish worship of one man – is a passing phase. It is an anachronism in the 21st century and cannot long endure. It would be foolish to disguise the gravity of the hour. It would be still more foolish to lose heart and courage. The hour will soon strike, and its solemn peal will proclaim that the night is past and dawn has come. I feel as sure as the sun will rise tomorrow that we shall win.

## **May Be, It's Time for a Revolution**

Pakistan was born free. Today it is in chains. On October 12, 1999, the people of Pakistan fell under the domination of a vicious and retrograde tyranny. On August 14, 1947, we thought we had found freedom, but it has turned out to be just another kind of slavery. What can be said about Pakistan today: it is a "democratic" country – with a General in uniform as its President – that is at war with itself. Pakistan stands on the edge of an abyss. The members of the Bar and civil society are marching in protest less in hope than in anger and despair. For all the heat generated in the Supreme Court and the hectic activities of lawyers, the country seems to be holding its breath.

Saturday, October 6 was "Presidential election" day in Pakistan. But nowhere in the maneuverings was there a trace of democracy as understood and practised in the West. It was far more reminiscent of the old Soviet Union. The people of Pakistan, my dear countrymen, are victims of a fraud on a historic scale perpetrated by a General in uniform. Is Pakistan en route to choosing its President in a free, fair and impartial election? And is democracy taking root in Pakistan? Sadly, the reverse is true. General Musharraf is using "election" as a tool to perpetuate his rule. Unless the Supreme Court intervenes, his authoritarian rule will soon acquire the mantle of legitimacy and permanence.

Isn't it ironical that a General in uniform is contesting Presidential election in the year 2007, in violation of the constitution and universally recognized democratic principles? Ambition has got the better of General Musharraf. The Presidential election just held was a farce. The Supreme Court has yet to decide the question: Is General Musharraf an eligible candidate? The irony is that, in anticipation of the Supreme Court decision, he was allowed to participate in the election process. He got himself "elected" by the existing Electoral College, days before its term expires! It is now abundantly clear that General Musharraf is determined to retain power at all cost, even if it means lowering Pakistan into its grave. No dictator gives up power voluntarily or peacefully. That is the lesson of history. Anyone who thinks elections will be free and fair or that General Musharraf will transfer the substance of power to the elected representatives of the people must have his head examined.

And, let's face it. When you allow a power-hungry General to rule you for eight years, what you get is what happened on the Constitution Avenue on the eve of Election Day. General Musharraf, like General Colin Powell, believes in the doctrine of overwhelming force. But unlike General Colin Powell, General Musharraf uses overwhelming force, not against the enemy, but against his own

people. The videos and photographs of what happened on the Constitution Avenue have evoked the revulsion of people throughout Pakistan and all over the world. But who cares? Not long ago, the ever impetuous General Musharraf turned Lal Masjid and its Madrassah into killing fields at a time when the Titanic that is his Presidency had just hit a fresh iceberg, the May 12 state – sponsored carnage in Karachi. The violent police response on the Constitution Avenue took the lid off the anger and pent-up frustration that had accumulated over the years. Protestors clashed with the police, who wielded batons and fired teargas to disperse them. “What did it matter”, Louis Philippe had said, “if a hundred million shots are fired in Africa? Europe does not hear them”.

As so often in our history, an essentially political controversy has been converted into a legal battle, with the disputed issues being argued in constitutional terms in the hope that the crisis could be settled peacefully. It reminds one of Justice Jackson’s striking claim – “struggles over power that in Europe call out regiments of troops, in America (as in Pakistan) call out battalions of lawyers. Some people seem to rely exclusively on the Supreme Court to rescue the country. Let us hope the court will not cringe before power, but even if it doesn’t, it is the weakest of the three coordinate branches of the state and a General in uniform as the President of this sad country can pack the court as easily as an English government can pack the House of Lords.

Ultimately, the true guardians of democracy are the people of Pakistan. People power alone can restore democracy from military dictatorship. Time and again – in 1789, 1848, 1871, and 1968, to name only the most historic years – mass protests have kicked out rulers, and toppled governments. Our military rulers know that the street is all they have to fear. Confronting General Musharraf has now become a patriotic duty. Today there is no other path for our country, but the one, members of the Bar and civil society are treading.

The fond hope that by striking one blow we would defeat dictatorship, did not materialize and has, not surprisingly, resulted in frustration and depression. There is no short cut. Resistance is the only answer. It emerges from the desperate staying power of Sisyphus incessantly pushing the rock up the mountain. The struggle has begun; there is no going back but forward ever. Never, ever, mind the political calculations.

Today confrontation with the military ruler and freedom from army rule, has become a patriotic duty. Today we have reached the point where the Supreme Court must take action to protect the basic-frame work of the constitution from a rubber-stamp parliament and an omnipotent President. The power to determine the constitutionality of amendments made by the parliament is of the very essence of judicial duty. In the midst of civil strife and war, as Burke pointed out

in his reflections on the French revolution, "laws are commanded to hold their tongue amongst arms. But in peace time law is supreme and its interpretation is the exclusive prerogative of the civil courts". Now that "democracy" has been restored and Law is unfettered, and supreme once again, the court must exercise its power to restore the balance between the "One, the Few and the Many".

The army, and it alone, is General Musharraf's constituency and source of power. By stripping himself of its uniform, he rightly fears that he would be an Emperor without clothes. As the crisis deepens, he is left with only the army to crush the challenge to his authority. He has turned our national army into a Presidential private army, a Pakistani counterpart to Rome's Praetorian Guard. It is a painful moment for anyone who wears the uniform of Pakistan army or who wants to be proud of the Pakistan army.

In the backdrop of this grim struggle, General Musharraf and Benazir, both driven by purely selfish motives, equally devoid of moral or ethical constraints, have struck a totally immoral, unethical and unprincipled deal. What could ever justify granting amnesty or pardon to people who so shamelessly feasted on power and greed? What message shall that send to those who wield power now and in the future? Reconciliation without justice is meaningless. Political accommodation in the name of unity and reconciliation is a sham.

Benazir, I regret to say, has sold her soul like Faust and has found her Mephistopheles in General Musharraf. To her he seems no less engaging than Goethe's.

If General Musharraf survives, he will survive by dint of the gun he holds and American support, not the will of the people he has ruled for eight long years without their consent. One thing is clear. The people of Pakistan will never be able to breath free as long as General Musharraf sat in power in Islamabad, in uniform or without uniform. The key to Pakistan's future lies in dethroning General Musharraf and sending the army back to the barracks. In the words of the old Sam Crooke Civil Rights song, "a change is gonna come soon", and I will, God willing, be able to say: It is a fantastic feeling to be a Pakistani tonight?

## Judging the Sovereign

November 13, 1608 will always be remembered as a Red letter day in the history of judicial independence and supremacy of law. For the people of Pakistan, however, it has a special significance these days. For it was on that day that James I confronted “all the Judges of England and Barons of the Exchequer” with the claim that, since the Judges were but his delegates, he could take any case he chose, remove it from the jurisdiction of the courts, and decide it in his royal person. The Judges, as James saw it, were “his shadows and ministers ... and King may, if he pleased, sit and judge in Westminster Hall in any court there and call their judgment in question”. King James felt greatly offended when told that he was under the law. “This means”, said James, “that I shall be under the law, which it is treason to affirm”. “To which”, replied Coke, “I said that Bracton saith, *quod rex non debet esse sub homine, sed sub Deo et lege*” (that the King should not be under man but under God and Law). Chief Justice Coke did not waver. He did not falter. He risked going to the Tower but he stood his ground. In the altercation between Chief Justice Coke and the King, there is personified the basic conflict between power and law.

Fortunately, for Chief Justice Coke, he was not alone. All the Judges of England stood by him. No wonder, he was not sent to the Tower. He was not suspended or removed from office. Like Chief Justice Coke, Chief Justice Iftikhar Choudhary also stood his ground and refused to resign. He was stripped of all his liberties and held in illegal confinement for several hours. His honorable reinstatement in the teeth of opposition was a stinging rebuke and rebuff to the military dictator. A court flush from victory against General Musharraf will, no doubt, thwart the dictator at every turn.

General Musharraf is obviously much more powerful than King James was in A.D. 1608. He is Chief of Staff of the Pakistan Army, President of Pakistan, Chief Executive, Law-giver, Supreme Jurist and First Diplomat, all rolled in one. He is above the Constitution, above the Parliament, above the Law, accountable to none. He has power without responsibility. For all practical purposes he has become the State. No wonder, he gets away with murder. Eight years ago, he toppled an elected government, arrested the Prime Minister and sent him to Attock fort. On Friday, March 9, he assaulted the superior judiciary and sacked the Chief Justice of Pakistan!

The mess we are in today, is the logical culmination of the process set in motion in the 50s. 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. The superior judiciary has often functioned at the behest of authority and has been used to further the interests of the military dictator against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s; during the Martial Law period of the 1960s and 1970s; under the constitutional rule of Zulfikar Ali Bhutto and seems to persist till today.

As luck would have it, the Supreme Court has fallen out of love with General Musharraf. Its unanimous judgment in favour of Mian Muhammad Nawaz Sharif, the exiled Prime Minister of Pakistan and his brother Shahbaz Sharif, is yet another stinging rebuke and another snub to General Musharraf. It has galvanized the nation. The country is in the throes of euphoria. Resistance is in the air. The nexus between the Supreme Court and the army has snapped. General Musharraf can no longer take its support for granted. The Supreme Court, the guardian of the constitution and protector of the citizen's liberties, stands erect.

Defying the sovereign requires guts. Responding to my criticism that the Superior courts should have declared martial law illegal, late Justice Dorab Patel, a man of starling character and integrity, told me: "How do you expect five men alone, unsupported by anyone, to declare martial law illegal". This is understandable 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?

It is not always easy to say no to the Sovereign. In late July (43 BC) a Centurion from Octavian's army suddenly appeared in the Senate House. From the assembled gathering, he demanded the Consulship, still vacant, for his General. The Senate refused. The Centurion brushed back his cloak and laid his hand on the hilt of his sword. "If you do not make him Consul", he warned, "then this will". And so it happened. Today the Supreme Court Reborn finds itself in a similar situation. It faces the unenviable task of deciding the question of General

Musharraf eligibility in the Presidential election already held. It “ought to do that”, in the words of Chief Justice Coke, “which shall be fit for a Judge to do”.

## **When Dictators seize the Presidency, Democrats take to the Streets**

### **Part – 1**

Pakistan is in serious danger – no, not from India, or religious extremism. Pakistan is in danger from General Musharraf who, in order to secure his stolen Presidency, imposed martial law (for the second time), suspended the constitution and detained the Chief Justice of the Supreme Court and several Judges of the superior judiciary. Thanks to General Musharraf, Pakistan is under martial law for the fifth time and going downhill. It is yet another brick in the wall of resentment and contempt rapidly rising against the Generals of the Pakistan army. This country is fed up with rebellious generals. Today, thanks to General Musharraf, the sight of uniforms in the streets of Pakistan produces the same effect that Swastikas once did in occupied Europe. It is a painful moment for anyone who wears the uniform of Pakistan's army or who wants to be proud of the Pakistan army.

General Musharraf's military rule is a nightmare and a stain on our collective conscience. An epic blunderer, surrounded by sycophants and opportunists, he is full of himself and is far too blinded by self-righteousness to even fleetingly recognize the havoc he has inflicted on Pakistan. Today he inspires contempt and dismay more than anything else. People just can't wait for him to leave so that someone, anyone, can turn the page and start rectifying the damage when he leaves. He will leave Pakistanis feeling much the way they did after Yahya Khan left: in a state of anger about the terrible mess he left behind.

The imposition of martial law, General Musharraf's latest act of folly, reminds me of Mussolini. Talking about despotic rulers, like himself, Mussolini said just before he faced the firing squad: "Have you ever seen a prudent, calculating dictator, they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions – and it is actually that mad passion which brought them to where they are". Absolute power, unrestrained by law, must make people mad. Einstein once defined insanity as doing the same thing over and over again in the expectation that it would produce a different result. How else can we explain the re-imposition of martial law and the disastrous action taken against Chief Justice Iftikhar Mohammad Choudhary and other Judges of the Supreme Court? Not since he captured political power in a military coup eight years ago, has President Musharraf faced a test quite like the one he confronts now. Until now, he faced no real danger, except of course, by the sort of accident which inevitably threatens those who skate long enough on sufficiently thin ice. Today he is in deep, deep trouble, fighting for his survival.

My dear countrymen! Pakistan is teetering on the brink of the abyss. We are fast approaching the edge of a huge waterfall and are about to plunge over it. But no one seems to realize that it is almost too late to head for shore. Today we are going through a patch of coal black darkness, almost paralyzed, as if trying to find one's way in the galleries of a mine without a lamp. Almost 60 years after I cast my vote for Pakistan, a Leviathan dominates Pakistan. The constitution is dead. Power lies in the hands of the Generals and their leader. Today we face a harsh test. If we were to yield to the guilty ones who have, once again, subverted the Constitution, assaulted the Supreme Court, sacked the Judges, derailed the political process, stabbed our fledgling democracy, deprived us of all our fundamental rights, and stripped us of our liberties, then Pakistan would become but a poor broken toy adrift on the sea of hazard.

Today Pakistan, a broken landscape of empty, sagging state institutions, superficially intact but visibly shredded, is at war with itself. The drums of secession are beating loud and clear in the smaller provinces. Today the threat to Pakistan is not external. It is internal. This brings to mind Toynbee's comment that a civilization doesn't die from being invaded from the outside but rather commits suicide.

These days, like most Pakistanis, I feel very troubled in the head and heart. It is as if all the time one was boiling inside with some kind of helpless indignation, enraged to see such a good country going to hell, and going to hell with such cruelty and waste. How could one not love Pakistan, especially in her ordeal? Today Pakistan sits between hope and fear. Hope for a political possibility that would lead to the supremacy of civilian rule and a free and democratic Pakistan ready to regain its place among the democratic nations of the world. Fear that, in collaboration with some of our political leaders, General Musharraf will perpetuate his rule with disastrous consequences for the country. Musharraf is playing with fire. But playing with fire tends to produce explosions.

The struggle to secure freedom from General Musharraf's rule and restore democracy has reached a moment of truth. The key to Pakistan's future lies in sending the army back to the barracks through relentless popular pressure. Why oh why can't our political leaders unite on a one-point agenda? Send the army back to the barracks. Why oh why can't they tell General Musharraf: Enough is enough.

I take the liberty of addressing a few words to our political leaders. No military dictator shares power or give up power peacefully or voluntarily. That is the lesson of history. Those among our leaders who have opted for collaboration with the dictator have placed themselves on the wrong side of history and would

vanish like a puff of smoke. That is for sure. Democracy does not, I repeat does not, flow from the barrel of the gun. People power alone can restore democracy from military dictatorship. Time and again – in 1789, 1848, 1871, and 1968, to name only the most historic years – mass protests have kicked out rulers, and toppled governments. Our military rulers know that the ‘Street’ is all they have to fear. Confronting General Musharraf has now become a patriotic duty. When Dictators seize the Presidency, Democrats take to the Streets.

General Musharraf has within a few years, turned our national army – our only shield against foreign aggression – into a Presidential private army, a Pakistani counterpart to Rome’s Praetorian Guard. “It took the Roman Empire a hundred years of the most enjoyable decadence to achieve the same result”. The Pakistan army is a people’s army, in the sense that it belongs to the people of Pakistan who take a jealous and proprietary interest in it. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. Why politicize it? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power? If this madness goes unchecked, what would Pakistan army then become but an anarchic and absurd conglomeration of military feudalisms?

I have just one question for General Musharraf and his Generals. Surely, you are not going to kill the protestors – your compatriots, the vanguard of our liberties. Are you? They have done nothing wrong. All they want is restoration of the 1973 Constitution, the right to elect their rulers in a free, fair and impartial election, reinstatement of the Judges and an independent judiciary. That is all. What is wrong with it?

My dear countrymen! Look where Pakistan risks going, in contrast to what she was about to become eight years ago. Where do we stand today? The nation defied, the constitution torn to pieces, all our fundamental rights and liberties trampled upon, our international prestige debased. And by whom? Alas! Alas! Alas! By men whose duty, honour and *raison d’être* it was to obey the law, serve the State and protect the Constitution. Thanks to General Musharraf, Pakistan faces the specter of civil war today. Today General Musharraf is considerably weakened and gravely wounded. In accordance with the laws of the jungle and the ways of Islamabad, stronger beasts would now feed upon him. It seems that in the death throes of the regime, General Musharraf will take Pakistan down with him. As we approach the endgame, one thing is clear. General Musharraf is the problem, not the answer to the problem. If Pakistan is to survive, General Musharraf must call it a day and leave the stage as gracefully as he can. Our moment of truth has arrived. To borrow the prophetic words of Dostoevsky, “I have a presentiment of sorts that the lots are drawn and account may have to be settled far sooner than one might imagine in one’s wildest dreams”.

## **When Dictators seize the Presidency, Democrats take to the Streets. Part - 2**

In Pakistan, as in geology, things can look perfectly stable on the surface – until the tectonic plates shift underneath. Outwardly, Islamabad is still as the surface of the pond. An illusionary calm has settled over Pakistan. The reality is that Pakistan is anything but calm. It has not become just dangerous but shrill; an embattled Musharraf, derided as a tyrannical monster, is now regular sport for the people, heckled and mocked not behind his back – but heresy of heresies, in the open. Today he is like a “captain in the cabin” dozing while the country was being driven into an “enemy’s port”. It is Musharraf’s most beleaguered hour.

Rarely has one man’s dictatorship so horribly wrecked the country. Instead of governing, Musharraf is lurching from disaster to disaster. Is it any wonder that the situation in Pakistan is so dire? How much more dire it must get before the people do something about it.

Never a dull moment in Pakistan. Pakistan is preparing for another crisis. American diplomats are coming and going and openly interfering in our internal affairs. The fear of conspiracy against the people, against Chief Justice Iftikhar Choudhary, in fact all our core values, hangs heavy in the air. A formula is being devised to penalize Chief Justice Iftikhar Choudhary for the “crime” of defying the dictator. Any attempt to push it through the parliament will be resisted. That is for sure. Already the country is as near to anarchy as society can approach without dissolution. This is the time of *La Grande Peur*, (“the great fear”) soaring prices breed anger, anger breeds suspicion, suspicion breeds crowds and crowds breed mobs. The discontent has festered all the way to the Capital itself. Laws are without force and Magistrates without authority. Across the country, people inveigh against the dictatorship’s tyrannies – the lack of legitimacy, the fraudulent Presidential election, the stolen Presidency, the senseless unpatriotic war in FATA, the lack of accountability, the widespread corruption, the police brutality, the breakdown of law and order. Against this tide of spontaneous anarchy, Pakistan’s super-rich are beginning to flee abroad with their ill-gotten money.

Today Pakistan sits between hope and fear. Hope for a political possibility that would lead to the supremacy of civilian rule and a free and democratic Pakistan ready to regain its place among the democratic nations of the world. Fear that, with American support, General Musharraf will perpetuate his rule with disastrous consequences for the country. Americans are playing with fire. But playing with fire tends to produce explosions.

When politics or politicians fail to resolve or even address the great issues people face, what often happens is that civil society rises up to change politics. Historians call these moments “great awakenings” which lead to big changes in society. Today we Pakistanis may be on the edge of such a time with a younger generation of lawyers as its cutting edge. The political momentum now rests entirely with the “Black Coats”.

They can smell the march of their own power. The ongoing struggle led by the Bar and the Bench is part of an intense battle playing out across Pakistan’s political and legal landscape. It is a struggle over the country’s soul, especially over the independence of judiciary, the separation of powers and the fundamental question of who is the final arbitrator.

No dictator gives up power voluntarily or peacefully. That is the lesson of history. The walls of autocracy will not collapse with just one good push. The old order will not go quickly. No doubt, it will be an uphill struggle to reclaim our democracy and fashion it once again into a vessel to be proud of. In retrospect, it was an exercise in naïveté to have imagined that Pakistan’s strong man, General Musharraf, would relinquish power just because his party had lost an election, just because his party had been decimated. Democracy does not, I repeat does not, flow from the barrel of the gun. People power alone can restore democracy from dictatorship. Time and again – in 1789, 1848, 1871, and 1968, to name only the most historic years – mass protests have kicked out rulers, and toppled governments. Our rulers know that the ‘Street’ is all they have to fear. Those among our leaders who have opted for collaboration with the dictator have placed themselves on the wrong side of history and would vanish like a puff of smoke. That is for sure.

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

Like millions of my countrymen, I feel a deep antipathy toward the “Yankees” who have, with the help of power-hungry Generals of Pak army, turned independent, sovereign Pakistan into a “pseudo - Republic” and a “rentier state” and allowed venal dictatorship to take root. Will the November election throw up a new US leader who would identify America with our freedom struggle, and

who will find words that would embody our hopes? Pakistan could have been the pride of the Islamic world. When it is finally liberated from General Musharraf, Americans should be made to explain why they sided with a political gangster who ruined that hope. If Americans wish to have close ties of friendship with the people of Pakistan? Magnificent!

As we approach the endgame, one thing is clear: in the death throes of the regime, General Musharraf will take Pakistan down with him. If Pakistan is to survive, General Musharraf must call it a day and leave the stage as gracefully as he can. The struggle to secure freedom from General Musharraf and restore authentic democracy and Rule of Law, has reached a moment of truth. Today it is a political and moral imperative for all Pakistanis to fight for our liberties and be prepared to face all consequences. "The Tree of Liberty", Jefferson famously said, "must be refreshed from time to time with the blood of patriots and tyrants". For us that time has come. When Dictators seize the Presidency, Democrats take to the Streets

## **Musharraf Must Go**

“Fortune is a fickle courtesan”, Napoleon said on the eve of the battle of Borodino. “I have always said so and now I am beginning to experience it”. When I watched General Musharraf a few days ago on TV, he was visibly undergoing a similar experience and looked like the captain of a sinking ship, the wind of defeat in his hair. How fortunes fluctuate! “Not long ago, we saw him at the top of Fortune’s wheel, his word a law to all and now surely he is at the bottom of the wheel. From the last step of the throne to the first of scaffold, there is a short distance. To such changes of Fortune what words are adequate? Silence alone is adequate”.

Those who hold power and shape the destiny of others should never be judged when they are dead and gone. If seen as a corpse hung by the feet, even Mussolini could arouse some pity. They must be judged when they are alive and in power. General Musharraf has been in power for nine long years and must be held to account now.

All rulers are opposed, of course, and many are disliked, but few suffer widespread attacks on their veracity, their credibility and integrity. General Musharraf is one of those few. His rule is a nightmare and a stain on our collective conscience. An epic blunderer, surrounded by sycophants and opportunists, he is full of himself and is far too blinded by self-righteousness to even fleetingly recognize the havoc he has inflicted on this country. Today he inspires contempt and dismay more than anything else. People just can’t wait for him to leave so that their elected representatives can turn the page and rectify the damage he has done and clear the mess he will leave behind.

Sometimes, once in a long while, you get a chance to serve your country. Few people had been offered the opportunity that lay open to General Musharraf. He blew it. Power corrupts. Absolute power corrupts absolutely. Talking about despotic rulers, like himself, Mussolini said just before he faced the firing squad: “Have you ever seen a prudent, calculating dictator, they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions – and it is actually that mad passion which brought them to where they are”. Absolute power, unrestrained by law, must make people mad. How else can we explain Musharraf’s imposition of martial law for the second time and the disastrous action he took against Chief Justice Iftikhar Mohammad Choudhary and other Judges of the Supreme Court?

Nine years ago, General Musharraf was heralded by some as the “messiah”. Today he risks being dismissed as the latest in a long line of easily forgotten rulers. He is so swathed in his inner circle that he has completely lost touch with reality and wanders around among small knots of persons who agree with him. His blunders are too obvious, his behavior is too erratic, his vision too blurred. He has painted himself into a corner.

Where do we stand today? Pakistan, a broken landscape of sagging institutions superficially intact but visibly shredded, is at war with itself. Thanks to nine years of General Musharraf’s illegitimate, misrule, Pakistan is a ghost of its former self. If it were to look into a mirror, it won’t recognize itself. Today say: “Pakistan” and what comes to mind: sham democracy, fraudulent referendum, a prostrate judiciary, and a General masquerading as the President of this sad country.

The Pakistan Mr. Jinnah founded is gone. It disappeared the day power – hungry Generals used the army as an instrument for grabbing political power and hijacked Pakistan. On that day, the lights went out. Pakistan slid into darkness.

How will history remember General Musharraf? Its verdict will be that that he subordinated national interests to his political ambitions; that he inducted the army into the politics of Pakistan; that he used it as an instrument for capturing and retaining political power; that in the process he did incalculable harm to the army and to the country; that he capitulated under American pressure and compromised national sovereignty; that Pakistan lost its independence and virtually became an American colony during his Presidency; that he was no crusader; no Tribune of the people; that he was no enemy of those who looted and plundered the country; that he joined hands with the corrupt and discredited politicians to acquire political support; that he held a dubious Referendum so that he could rule another five years; that he allowed blatant, flagrant use of the administration and official machinery in support of the King’s party; that he turned the Parliament, the embodiment of the Will of the people, into a rubber stamp; that he broke faith with his people; that he denied them their constitutional right to elect their President; that he defaced, disfigured and mutilated the constitution in order to perpetuate his rule; that he failed to honour his public commitment to give up his post as Chief of Army Staff and doff his uniform; that he promised a great deal and delivered very little. The years General Musharraf remained in power will go down in history as “the nightmare years”. The nightmare is not over yet.

History will doubtless charge General Musharraf with a number of sins of omission and commission and its judgment will be harsh. On the central accusation – that he toppled an elected government, arrested the Prime Minister,

suspended the constitution, assaulted the Supreme Court and detained the Judges – all grave offenses punishable with death - he will be held guilty. Removing an elected Prime Minister from office is a decision that belongs to the people of Pakistan, not an ambitious army General.

Today Pakistan looks like a bad parody of the miracle we witnessed on August 14, 1947. The nation defied, the constitution torn to pieces, all our fundamental rights and liberties trampled upon, our international prestige debased. And by whom? Alas! Alas! Alas! By a man whose duty, honour and *raison d'être* it was to obey the law, serve the State and protect the Constitution.

The “commando President’s” aura has crumbled. His star is already burning out, but he will stop it nothing to keep his lock on power. It seems that in the death throes of his regime, General Musharraf will take Pakistan with him.

One thing is clear. People have crossed the psychological barrier and overcome fear. They will resist if General Musharraf tries to subvert the will of the people and perpetuate his rule. Members of the Bar, civil society and political activists will take to the streets again in defence of our core institutions, things will change. The status quo will shift, dictatorship will crumble, and people will once again believe in the power of the powerless. The long nightmare will soon be over. It will be morning once again in Pakistan.

As Musharraf’s fortunes wane, Prime Minister Nawaz Sharif’s star glows brighter and brighter. He has a rendezvous with destiny to carry the revolution triggered by Chief Justice Iftikhar Choudhary to its logical conclusion. Nawaz Sharif knows he is on a winning streak, but he also knows that there are major battles to be fought and won. The need for continued show of popular backing is, therefore, as urgent as before. The only way to ensure victory is to wield the weapon which has brought the anti-Musharraf movement thus far: massive demonstrations, rallies and marches.

It is time for you to go, General Musharraf. Your nation doesn’t want you anymore. Your interest and the interest of Pakistan do not coincide. The people of Pakistan do not trust you any longer and do not want to follow your lead. None of your signature policies have much resonance with our people today. The sooner General Musharraf realizes this, the less costly his departure will be for him and his people.

## **A Critical Time for Pakistan**

Allow me, Candide -like, to reflect for a moment on the current political situation in which we find ourselves. 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.

In every period of political turmoil, men must have confidence that superior judiciary, the guardian of the constitution, will be fiercely independent and will resist all attempts to subvert the constitution. It is our misfortune that from the country's first decade, our judges tried to match their constitutional ideals and legal language to the exigencies of current politics. The superior judiciary has often functioned at the behest of authority and has been used to further the interests of the rulers against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s; during the Martial Law period of the 1960s and 1970s; under the mixed constitutional rule of Zulfikar Ali Bhutto and persists till today. When the history of these benighted times comes to be written, it will be noted that the superior judiciary had failed the country in its hour of greatest need.

Fast forward to March 9, 2007. On that day, the country's tectonic plates shifted. General Musharraf, military ruler of Pakistan, committed an egregious folly. He decided (a decision he must be regretting now) to remove Iftikhar Mohammad Choudhary, Chief Justice of the Supreme Court of Pakistan because he apprehended that the obstreperous judge might sabotage all his re-election plans. That prospect, General Musharraf, naturally, viewed with great alarm. Chief Justice Iftikhar had to go. Even a layman could see that the charges framed against the Chief Justice were preposterous, frivolous, utterly outrageous, almost laughable - little more than a fig leaf for getting rid of an 'uncooperative' Judge.

General Musharraf's fateful decision to assault the superior judiciary, 'suspend' and incarcerate the Chief Justice and pack the court with his own reliable men, reminds me of the late, unlamented Adolf Hitler. "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. I know how to deal with them". 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".

Mr. Jinnah cannot have intended a “President in uniform” reading out the Riot Act to the Chief Justice of the Supreme Court of Pakistan. General Musharraf tried all kinds of strong – arm methods to browbeat the Chief Justice into submission. We Pakistanis are too accustomed to bowing before Power. But the Chief Justice held his ground and stood firm. He was not intimidated. He did not waver. Quite unexpectedly and in a total break with past tradition, he decided to fight back and defend himself. General Musharraf had misjudged the man.

Never has the Chief Justice of the apex court been treated with such ineffable contempt in the history of Pakistan or detained and stripped of all his liberties, his dignity, his self-respect. What shook General Musharraf was how members of the Bar, political parties, civil society and the print and electronic media, rallied around the Chief Justice throughout the length and breadth of the country. By a simple act of courage, Chief Justice Iftikhar had ignited a revolution and triggered civil commotion. Whatever the dénouement of this tragic drama, Chief Justice Iftikhar Mohammad Choudhary, has earned a place of honour for himself in the Pantheon of our judiciary.

Today we live in a society in which the much dreaded Leviathan has become a reality. The constitution is prostrate; its supremacy a myth. It is a mere thing of wax in the hands of a powerful President which he may twist and shape into any form he likes. Pakistan totters, pulled in one direction by the inertia of its authoritarian past and in another by the wobbly momentum of a democratic future. The substance of power remains in the hands of the “President” who is also the Supreme Commander of the Armed Forces, Chairman of the National Command Structure and Chairman of the National Security Council. All important appointments, civil or military, are made by him in exercise of his discretionary powers. The elected Prime Minister has the thankless job of governing the country under a dysfunctional political system, described as democracy, with a dictator sitting on top. General Musharraf has literally reappointed himself as the President of Pakistan.

As I look back at our irrecoverable past and contemplate the tragedy of a lost future with a deep sense of – loss known and loss foreseen – I am smitten by a sacred rage. Nothing seems to be fun anymore; it is hard to be happy these days. Like Dinosaurs, disaster and frustration roam the country’s political landscape. Talk today is of a 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. It speaks volumes for the failure of our rulers – elected or un-elected, civilian or military – who squandered Jinnah’s legacy and turned his dream into a nightmare.

Musharraf's government is a vacuum presiding over a chaos. His stolen Presidency is a plane crash. He alone must accept responsibility for the political wreck. The Japanese would have committed hara-kiri. Today say Pakistan and what comes to mind: a 'corpse in armour', a military elite perched on top of a mass of poverty – stricken populace. Their brilliant courts are centers of conspicuous consumption on a scale which even the Mughal kings might have thought excessive. An army of servants, hangers – on, a vast array of bodyguards, meaningless visits to obscure countries, all at the expense of poor tax payer, with no constitutional or other checks.

This is the bleakest era in the history of Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. It is no longer a democratic country. Today Pakistan is splattered with American fortresses, seriously compromising our internal and external sovereignty. People don't feel safe in their own country because any citizen can be picked up by FBI agents in collusion with our government and smuggled out of the country, making a mockery of our independence and sovereignty. To apply the adjective sovereign to the people in today's Pakistan is a tragic farce. American military personnel cross and re-cross our border without let or hindrance. They violate our air space with impunity and kill innocent men, women and children. Everyday I ask myself the same question: How can this be happening in Pakistan? How can people like Musharraf be incharge of our country? If I didn't see it with my own eyes, I'd think I was having a hallucination.

At a time when leadership is desperately needed to cope with matters of vital importance and put the country back on the democratic path, Pakistan is ruled by a General who lacks both legitimacy and credibility and seems oblivious to the realities of his awesome responsibilities and is interested only in perpetuating himself. The nation is breaking down. It has become ungovernable and would remain so as long as General Musharraf remains in power.

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. I am a short – term pessimist but a long – term optimist. I have this palpable feeling that the Maoist prescription – things have to get worse before they could get better – is being tested in Pakistan today. I have not given up on politics, however, I still nourish the notion that one of these years we will get it right and someone will emerge who will bring out the best in the country. I think the current crisis will rally the country and ultimately bring out new leaders. General Musharraf will soon be history. That is for sure.

Power is evanescent. It can come in a rush, but it also tends to evaporate overnight. These are the cycles of history.

One thing is clear. Tyranny is not abandoned as long as it is served by a modicum of those two enormous and dreadful powers: the apathy of the people and organized troops. It is going to be an uphill task. There is no doubt about that. The lesson of history is that you almost never succeed in bringing freedom back in a country that has lost it. If you do succeed, it is almost always the result of a war – it seldom happens that a nation oppressed by dictatorship finds a way to liberate itself without a war. This is true, but history always has new developments up its sleeve and sometimes satisfying ones.

We have come to a critical fork in the road. We are tired of business as usual. We want change and change now. The time has come which must determine whether Pakistan is to be ruled by Law or the whim and caprice of one single, solitary General. Do we wish to remain citizens of a Republic, or do we prefer some form of autocracy in which a General decides the destiny of 160 million people? Today we are engaged in a great battle. The lines are drawn. The issues are clear. Those who are not with the people are against them. It is as simple as that. The time to hesitate is through. Now or never is the moment when salvation from dictatorship rule is possible. Too long have we been passive spectators of events. Today our Fate is in our hands, but soon it may go beyond. “There is a moment in engagement” Napoleon once said, “when the least maneuver is decisive and gives victory. It is a one drop of water which makes the vessel run over”. For us that moment has come.

## How Will History Remember General Musharraf?

“Fortune is a fickle courtesan”, Napoleon said on the eve of the battle of Borodino. “I have always said so and now I am beginning to experience it”. When I last watched General Musharraf on TV, he was visibly undergoing a similar experience and looked like the captain of a sinking ship, the wind of defeat in his hair.

How fortunes fluctuate! “Not long ago, we saw him at the top of Fortune’s wheel, his word a law to all and now surely he is at the bottom of the wheel. From the last step of the throne to the first of scaffold, there is a short distance. To such changes of Fortune what words are adequate? Silence alone is adequate”.

When General Musharraf seized power on October 12, 1999, many Pakistanis welcomed the change. I was one of them. Boundless hopes and expectations were invested in the unsullied young general. Now that he was in power, he had to demonstrate to the people that the assault on democracy and suspension of Constitution was justified by his subsequent performance. Unlike his democratic predecessors, he commanded absolute power and had no excuses.

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. General Musharraf started out on the wrong foot. As a new Chief Executive, especially one with so little time to prepare, he 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. No wonder, conflict and confusion reigned. General Musharraf made one fundamental mistake. 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 plagued him for the remainder of his tenure.

As we approached the October 12 anniversary, the hopes raised on that day dimmed and faded away. Ruthless accountability of corrupt holders of public office was once on top of General Musharraf’s agenda. What prevented him from making good on his promise to arrange for the expeditious and ruthless accountability of all those who had bartered away the nation’s trust and plundered the country’s wealth? Instead of sending them to prison, he embraced them all as his political allies!

General Musharraf never leveled with his people. A few days after the 1999 coup, Musharraf's spokesman, Brig. Rashed Qureshi (now Major General), insisted that, "while others may have tried to hang on to power, we will not. We will make history". Musharraf agreed. "All I can say", he assured a television interviewer in January 2000, "is that I am not going to perpetuate myself – I can't give any certificate on it but my word of honour. I will not perpetuate myself". That was eight years ago! Regrettably, Musharraf was not being truthful. He lied to the people of Pakistan. If a President has legitimacy and credibility, nothing else matters.

If he has no legitimacy and no credibility, nothing else matters. General Musharraf lacked both. He lost his credibility on Thursday, December 30, 2004, when he reneged on his promise to give up his post as Chief of Army Staff and doff his uniform.

We lost our independence and sovereignty on General Musharraf's watch when he capitulated, said yes to all the seven demands presented to him, as an ultimatum, by Colin Powell, the US Secretary of State. No self-respecting, sovereign, independent country, no matter how small or weak, could have accepted such humiliating demands with such alacrity. General Musharraf executed a U-turn, disowned the Talibans and promised "unstinted" cooperation to President Bush in his war against Afghanistan. Pakistan joined the "coalition of the coerced". There were no cheering crowds in the streets of Pakistan to applaud Musharraf's decision to facilitate American bombing of Afghanistan from US bases on Pakistan soil. Musharraf had to choose between saying No to the American Dictat and shame. He chose the latter and opted for collaboration. Thus began Pakistan's slide into disaster.

Prime Minister Nawaz Sharif defied President Clinton and carried out a nuclear explosion. The Turks said No to the Americans and refused to allow them transit facilities. The Iranian are under tremendous American pressure, but are courageously guarding their nuclear facilities. In stark contrast, under American pressure, Musharraf stripped Qadeer Khan, the founder of Pakistan's nuclear weapons program, of everything – his freedom, his honour, his dignity, his self-respect, his name, his fame, his unprecedented services to Pakistan; and, to sharpen his humiliation, made him appear on national television to confess to his crime! The lesson of history is that nations which went down fighting rose again, but those which succumbed to pressure, sold their honour, surrendered tamely, and capitulated, were finished. Example abound.

I don not envy the ruling coalition partners who have to pick up the pieces and clear the mess left behind by Musharraf. This is the darkest era in the history of

Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. American military personnel cross and re-cross our border without let or hindrance. They violate our air space with impunity, kill innocent men, women and children in Waziristan and Bajaur. To please the Americans, General Musharraf deployed over 100,000 troops in the rugged tribal area to fight a proxy war against his own people. He has handed over more than 1000 so-called

Al Qaeda militants to the United States as his contribution to the American war on terrorism. More than 1500 officers and jawans, the flower of our army, have died fighting Wazir, Mahsud and Bajaur tribesmen. For what?

Talking about despotic rulers, like himself, Mussolini said just before he faced the firing squad: "Have you ever seen a prudent, calculating dictator, they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions – and it is actually that mad passion which brought them to where they are". Absolute power, unrestrained by law, must make people mad. How else can we explain Musharraf's imposition of martial law for the second time and the disastrous action he took against Chief Justice Iftikhar Mohammad Choudhary and other Judges of the Supreme Court?

On March 9, the die was cast. On that day, General Musharraf crossed an invisible Rubicon and descended into total power – madness. The 'suspension' of Chief Justice Iftikhar Choudhary was seen by the people as a national insult and an affront. Pakistan's fledgling democracy had hit rock bottom. That was the moment when Pakistan lifted its head and began to fight back against military dictatorship. Chief Justice Iftikhar ignited a flame that soon engulfed the entire country. General Musharraf thought himself poised on the cusp of power little realizing that he was sliding down a slippery slope whose end would be disastrous for him.

Where do we stand today? The Pakistan Mr. Jinnah founded is gone. It disappeared the day power – hungry Generals, like Musharraf, used the army as an instrument for grabbing political power and hijacked Pakistan. On that day, the lights went out. Pakistan slid into darkness. Pakistan, a broken landscape of sagging institutions superficially intact but visibly shredded, is at war with itself. Thanks to eight years of General Musharraf's illegitimate rule, Pakistan is a ghost of its former self. If it were to look into a mirror, it won't recognize itself. Today Pakistan looks like a bad parody of the miracle we witnessed on August 14, 1947. The nation defied, the constitution torn to pieces, all our fundamental rights and liberties trampled upon, our international prestige debased. And by whom? Alas! Alas! By a man whose duty, honour and *raison d'être* it was to obey the law, serve the State and protect the Constitution.

History will doubtless charge General Musharraf with a number of sins of omission and commission and its judgment will be harsh. On the central accusation – that he toppled an elected government, arrested the Prime Minister, suspended the constitution, assaulted the Supreme Court and detained the Judges – all grave offenses punishable with death - he will be held guilty. Removing an elected Prime Minister from office is a decision that belongs to the people of Pakistan, not an ambitious army General.

October 12, 1999 will go down in our history as a day of infamy, a sad milestone on Pakistan's downward path. We were a nation founded on laws and rules. Eight years after General Musharraf captured political power in a military coup, Pakistan has turned cynical and has jettisoned the last vestiges of idealism on which the people had hoped the nation's polity would be based. General Musharraf's presidency will go down in history as a case study in the bankruptcy of military leadership. The years he remained in power will be remembered as "the years that the locust hath eaten".

"Governments can err. Presidents do make mistakes", Franklin D. Roosevelt told the 1936 convention, "but the immortal Dante tells us that Divine Justice weighs the sins of the cold-blooded and sins of the warm-hearted in different scales". Time would show how Divine Justice would weigh Musharraf.

## Stray Thoughts

December 16, 2008

1. These days I feel like a lonely, angry man. No wonder, I find it difficult to write credibly about the time we live in. It stupefies. It sickens. It infuriates. It is even a kind of embarrassment.
2. "Old age is a shipwreck", De Gaulle once said. Sometimes I feel like an old bull put out to pasture.

December 18, 2008

3. Pakistan is a nation of sad people – oppressed, unhappy, poor, silent, and sullen. There is a crisis of confidence and a crisis of faith in this country. In India, on the other hand, there is a sense of optimism about the future, a sense that their children's future can be better than theirs if they just try hard enough.
4. At the darkest hour, Chief Justice Iftikhar Choudhary, lit a flame that became a symbol which focused the nation's indomitable will and at whose shrine it will, God willing, soon attain victory. No wonder, people of every political persuasion accept praise of the Chief Justice as almost the revealed word.

Part of the explanation lies in the fact that these days Pakistan's political altar is bare of other icons. The enthusiastic crowds lifted up the Chief Justice and made a beautiful legend of him. Suddenly, I too felt reinvigorated like an old fire horse back in harness. No wonder, I feel as if I have peeled ten years from my tired shoulders.

5. There is incipient revolution in the air. Change can't come without you, my countrymen, without a new spirit of service, a new spirit of sacrifice. So let us summon a new spirit of patriotism, of responsibility where each of us resolves to pitch in and work harder to reclaim the Pakistan's dream. And where we are met with cynicism and doubts and those who tell us that we can't, we will respond with that timeless creed that sums up that spirit of the people: Yes, we can. Now is not the time for fear. Now is the time for leadership. The disastrous policies of Musharraf, his successors, his allies, and last but not least, the incumbent in the Presidency, cannot

continue. In this construction, Zardari is Musharraf. The two are identical. And it is that identification which has handcuffed Zardari to the disaster wrought by Musharraf. We have to change that.

6. I have learnt one of the bitter lessons of life: never try to regain the past, the fire will have become ashes.
7. This war, the so-called war on terror is not of our making. No government has the right to demand loyalty beyond its willingness or ability to render physical protection to the people. People in FATA, in particular, have been abandoned by Pakistan.

### **December 20, 2008**

8. The transition from public to private life in Pakistan, in my view, is promotion from servant to Master. When I retired in 1985, like most civil servants, I did not know how to confront, not old age, but retirement. I always thought – and still do – that age really is a question not of how many years a person has lived but of how much he has lived in those years. Youth, they say, is not a time of life – it is a state of mind. I had been involved in national affairs of great importance. I had lived a rich life. I had always believed in keeping fit, remaining active, and keeping up with what was going on in the world. I therefore felt very young even when I retired – and still do. I never missed power after retirement and loss of power never prevented me from being young. I never missed the files, or the endless meetings in the Secretariat. I never lost interest in life and all that it has to offer. Oddly enough, I experienced a strange feeling of liberation after retirement. 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 longer and a lot more enjoyable. I had found the liberties of private life refreshing and exhilarating. I have enjoyed to the full the relaxation of release from the arduous responsibility of high office.
9. In September last, I entered the 86th year of my life. The shadows are lengthening for me. The twilight is here. I could ease into a gracious old age of playing with my grand children, lunching at the club and resting on my laurels. But I do not want either my life or my story to conclude in the shadow of despair generated by our current corrupt and inept national leadership.

### **December 21, 2008**

10. Today Pakistanis are anxious about the future of the country and their private lives and are absolutely disgusted by political leaders. So change is demanded. People are yearning for new leadership, for rejuvenation, and above all, for a new beginning. June 13 on Jinnah Avenue was the answer for all those who have been told for so long by so many to be cynical and fearful and doubtful about what we can achieve. On that day, people put their hand on the arc of history in order to bend it once more toward the hope of a better day. I maintain that there was a splendid opportunity but it was missed because our leaders got cold feet and failed to lead the people with courage and determination. One opportunity was lost, hopefully, another will come.
11. Once upon a time, Pakistan was on the cusp of change. The contrast between Pakistan in 1958, democratic, progressing, optimistic and Pakistan today – violent, besieged, uncertain ...could not be sharper or more disheartening.
12. “When bad men combine, the good must associate”, Burke’s famous words in his “thoughts on the cause of the present discontent”, “else they will fall, one by one, an unpitied sacrifice in a contemptible struggle”. We too are living in a time when bad man have combined and when the good – defenders of the constitution, independence of judiciary, rule of law, such as Chief Justice Iftikhar Muhammad Choudhary, the brave and courageous ‘black coats’ all the unintimidated Judges, the civil society must get together and leave no doubt about the cause they all share.

### **December 22, 2008**

13. I am feeling as bloodthirsty as Madame Defarge sharpening her knitting needles at the guillotine. I can’t wait to see the tumbrels rumble up and down the posh areas of Pakistan, picking up all those who plundered and looted this poor country and its people.
14. In old age, they say, the business of life is less about doing things for the first time than for the last time.
15. People grow old only by deserting their ideals. Years may wrinkle the skin, but to give up interest in life and face its problems, wrinkles the soul. “You are as young as your faith, as old as your doubt, as young as your self-

confidence, as old as your fear, as young as your hope, as old as your despair". In the central place of every heart there is a recording chamber, as long as it receives messages of beauty, hope, cheer, and courage, so long are you young. When your heart is covered with the snows of pessimism and the ice of cynicism, then and then only are you grown old and then, indeed, as the ballad says, you just fade away.

16. These days we all tend to be afflicted by a low-grade disphoria, a sort of constant melancholy that causes feeling of unease, isolation and dissatisfaction with life – an inexplicable “ache”, I once heard it called.
17. I have been called a maverick, someone who marches to the beat of his own drum.
18. Some people think I am a gloomy Oracle. For years I have been ranting like Nietzsche’s fool with the Lantern: “It is coming. I don’t know where and how...”
19. Isn’t it significant that both the President and the Prime Minister are silent on the subject of shared sacrifice? They have asked no sacrifice of wealthier Pakistanis. Neither has tried to educate the people on the challenges ahead. With war clouds hanging over the subcontinent, a proxy war raging in FATA, and the country in the grip of the most severe financial crisis, the times call for change.
20. Pakistan, like America, was born as an idea and cannot be itself unless it carries that idea forward. Tragically, the idea has become a cruel joke.
21. Pakistan seems to be on the edge of the abyss, and the people who should be steering us away from that abyss are out to lunch.
22. Pakistan must be mistress in her own house and captain of her soul. But who will lead the nation back on to the broad uplands where freedom and democracy shine. The function of leadership is to lead the people out from the dark forest into the broad sunlit plains of peace, happiness and democracy.

**December 23, 2008**

23. Tyrants and plunderers would sleep less soundly during the Obama Presidency. His victory is a victory for freedom. It is victory for the future.

24. If I am angry at America, I am angry as a disenchanted romantic – of course, I am not angry at America at all. My argument is not with the American people. It is with the Establishment; it is with the way Americans have been misled which I consider monstrous.
25. I still believe that people are sovereign in Pakistan. Inept, corrupt, political leaders can be replaced and will be replaced. Foolish policies can be changed and will be changed. We the People have learned from our mistakes and misfortunes. A new leader and a new era are on the way, and I will continue to fight, and to speak and to hope. I still believe that a Pakistan governed by Law is waiting to emerge. I still believe in sudden changes in fortune, sudden encounters with heroes.
26. “There is a time to laugh”, the Bible told us, “and a time to weep”. Today I weep for the country I love, the country I so proudly served.
27. I have been frightened for my country only a few times in my life: in 1948 when Mr. Jinnah died. I never saw so many people so visibly shaken by sadness. On that day I said to myself: we are like sheep without a Shepherd. How could you (Jinnah) leave; how could you die? In 1971 it was the secession of East Pakistan and horror of horror, when Zardari was elected as the President of Pakistan. This last moment is the scariest of all for me. I have always believed that Pakistan was a gift of God and was designed so that it could be run even by idiots. I was wrong. No system can be smart enough to survive this level of corruption, incompetence and recklessness by the people charged to run it. This is dangerous. Pakistan is in for dark days ahead. What have we done – all of us to deserve to live in a generation in which the sheep devour their shepherd.
28. ZAB, in his days of wilderness, set a standard for eloquence and leadership that has inspired generations of people in Pakistan. Better that we had his leadership – even for one brief shining moment – than not at all.
29. “Ask not what your country can do for you; ask what you can do for your country”. When the High Court of history sits in judgment on each one of us – recording whether we fulfilled our responsibilities to the State by the answers to four questions: first, were we truly men of integrity, were we truly men of dedication, were we truly men of courage, were we truly men of judgment?
30. History asks: did our President have integrity? Did he keep his word? Was he trustworthy? Did he have unselfishness? Did he have courage?

Did he have consistency and, last but not least, did he have clean hands. Today Pakistan needs a moral exemplar.

31. I fell in love with Pakistan on August 14, 1947. I loved it because it was not just a place, but an idea, a cause worth fighting for. I was never the same again. I wasn't my own man anymore. I was my country's. I owe everything to Pakistan. And I will fight for her as long as I draw breath, so help me God.

32. We must never give up. We must never quit. We must never hide from history. We must make history. Stand up, stand up, stand up and fight.

33. "Who will take care of me?

How will I get by

When I am too old to work

And I am too young to die?"

34. I am not going to permit my physical limitations to dominate the final chapter of my life. At last, I have found my life mission: fight all usurpers, military or civilian dictatorship, and I believe I have also found the tool to achieve this mammoth task. Street demonstration, alone if necessary. I believe my voice, the voice of the forgotten men expresses the pain of millions of people in Pakistan. A tomorrow man in a country where many feel their best days are behind them.

## Judging the President

Fragile countries, like Pakistan, can ill afford the loss of the best and the brightest of their leaders. Sadly, to no country has fate been more malignant than to Pakistan. A year ago tragedy struck once again. I turned over and twisted in bed as the full horror of the assassination of Prime Minister Benazir sank in upon me.

From midnight till dawn I lay in bed consumed with emotions of sorrow and grief. "I fear for thee, my country", I said to myself. I have never prayed "God save Pakistan", with more heartfelt fervour. The blood of Benazir cries for vengeance. One year on, her murder remains uninvestigated. Why? Why are her killers still at large? Over time this question will grow even wider and more imperative. That is for sure.

I know that precisely because the interests involved are too great and the men who wish to stifle the truth are too powerful, the truth will not be known for sometime. But there is no doubt that ultimately every bit of it, without exception, will be divulged. No matter how deep you bury the truth, it burrows ahead underground and one day it will surface again everywhere and spread like some vengeful vegetation. Truth carries the power within it that sweeps away all obstacles. And whenever the way is barred, whenever someone does succeed in burying it for any time at all, it builds up underground, gathering such explosive force that the day it bursts out at last, it will blow up everything with it.

With the passing away of Benazir, either by luck, happenstance, divine grace, intervention or design, the nation's constitutional process produced an unexpected and unprepared President. Mr. Zardari, the accidental President, now seeks in vain to fill the gaping void left behind by Benazir's tragic death.

How would the first draft of history assess Mr. Zardari's performance in office? "In a President character is everything", Peggy Noonan wrote in her assessment of Ronald Reagan. "A President does not have to be brilliant. Harry Truman was not brilliant and he helped save Western Europe from Stalin. He does not have to be clever, you can hire clever... but you cannot rent a strong moral sense. You can't acquire it in the presidency. You carry it with you". If a President has credibility, if he is believable, if he has integrity, nothing else matters. If he has no integrity, if he has no credibility, if there is a gap between what he says and what he does, nothing else matters and he cannot govern. That is the lesson of history.

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 judgment 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.

Zardari started out on the wrong foot. He made one fundamental mistake. Every ruler needs a strong team. He 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 and cronies 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 crony, he preferred the latter.

Sometimes, once in a long while, you get a chance to serve your country. Few people had been offered the opportunity that lay open to Mr. Zardari. He blew it. The country is gripped by fear and uncertainty. One doesn't have to read the tea leaves for a glimpse of our future. The ship of state is decrepit and creaky. The sea is turbulent. The captain has a weak anchor and no compass. The crew is inexperienced. If the nation doesn't wake up, we will all go down like the Titanic. History will remember both that Mr. Zardari failed to hear the warning bells and that politicians failed to ring them loudly enough. Less than a year after he captured the Presidency, Mr. Zardari seems to have lost his "mandate of heaven".

At a time when leadership is desperately needed to cope with matters of vital importance to the very survival of the country, Pakistan is led by a President, who lacks both credibility and integrity. What is worse, he seems oblivious to the realities of his awesome responsibilities and is only interested in perpetuating himself.

Mr. Zardari is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him. His blunders are too obvious, his behavior is too erratic, his vision too blurred. He has painted himself into a corner. The longer he persists in his wayward policies, and the longer he allows the water to rise, the greater the catastrophe that will follow the bursting of the dam.

A time bomb is ticking in Pakistan. Pakistan seems to be on the edge of the abyss. And the people who should be steering us away from that abyss are out to lunch.

The country is in deep, deep trouble. Mr. Zardari is not in tune with the zeitgeist of Pakistan. I believe he is leading this country to a perilous place.

He has broken faith with his Party workers who reposed their trust and confidence in him. He has also not leveled with the people of Pakistan. He will do what he thinks, right or wrong, even if he is the only one who thinks it. Today there is no one to restrain him. I search my memory in vain, and find nothing sadder or more pitiable than that which is happening before our eyes these days. Everything we care about is vanishing. I feel as if, I were in a car that had lost its steering. Pakistan is spiraling into the abyss.

Isn't it a great tragedy that at a time when the nation is facing a grave crisis, the only office that matters in Pakistan, is the Presidency? Democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment; all civil and political institutions remain eviscerated. All power is concentrated in the hands of Mr. Zardari. He is the President, Supreme Commander and Chief Executive. He wields absolute power without responsibility and is accountable to none. Nothing moves without his approval. A testing time, critical to his Presidency, is now upon Mr. Zardari.

Protection of life, property and honour of citizens is the first priority of every Head of State. Today there is no such thing as law and order anywhere in Pakistan. When the administrative machinery breaks down (as it has in Pakistan), law and order is the first casualty. "And when respect for law and authority declines, the devil of force leaps into its place as the only possible substitute and in the struggles that ensues every standard of conduct and decency is progressively discarded. Men begin by being realists and end by being Satanists. Sometimes synthesis takes place from within; sometimes it is imposed from without. If the original breakdown of authority is caused by a ferment of ideas, a genuine revolution like the French may result. If it is simply due to the decrepitude of authority, the solution is the substitution a fresh authority, but whether that substitute is external or internal depends upon local circumstances". This is the grim situation we face in Pakistan today.

Politics, no less than nature, abhors a vacuum. Perhaps this is one of those moments when a mass movement led by civil society 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. The tectonic plates are shifting. Power is evanescent. It can come in a rush, but it also tends to evaporate overnight. These are the cycles of history. Beware the ides of March!

## **There can't be Two Suns in the Sky**

Pakistan opted for the parliamentary form of government long ago, but we have till today not resolved one basic problem which has bedeviled the growth of our democracy: What should be the powers of the President and the Prime Minister in a Parliamentary form of government? Cohabitation - the tortured, in-effectual, co-existence between the President and the Executive has not been a great success in France. How can it work in Pakistan?

I was present at the swearing-in ceremony of Prime Minister 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 Zia 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. Junejo's fate was sealed. His days were numbered. It was now only a question of time. How will things pan out between President Zardari and Prime Minister Yousuf Raza Gillani? Will history repeat itself? We have to wait and see.

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 military governments disfigured, defiled, defaced, decimated and destroyed the basic features of our Constitution with the help of a pliant and spineless Judiciary and "cooperative" political parties. 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. In my opinion, in a parliamentary form of government, the President 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. If however, the President gets involved in the management and administration of the house, it ceases to be a parliamentary form of government. The President should, like the Emergency Lamp, remain in the background. If strain develops between the Prime Minister and any other pillar of State and the country faces what is called the “deadlock of democracy”, the President should, as in India, act as a Referee, avoid becoming a participant or a partisan in the political power game and act as a peacemaker 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.

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. Why make the same mistake again? Einstein once said, “To keep trying the same thing over and over with the expectation of a different result is the definition of insanity”. Why not learn from history? But as Hegel said long ago? “Man learns nothing from history except that man learns nothing from history”.

No dictator, civilian or military, gives up power voluntarily or peacefully. That is the lesson of history. Anyone who thinks President Zardari will, like the Queen of England, allow himself to be stripped of all power and transfer it to the Prime Minister, must have his head examined. He should go home, take a nap, wake up refreshed and think again. Long ago, Trotsky wrote, “No Devil cuts off his claws voluntarily”. Why should Zardari?

## The Remaking of America

No African came in freedom to the shores of the new world. He was brought in irons. "I herded them all as if they had been cattle". Since arrival in the New World, he has lost even the memory of his homeland. He no longer understands the language his ancestors spoke; he has abjured their religion and forgotten their mores. Ceasing to belong to Africa, he is treated as a second-class citizen in America, left in suspense between two societies and isolated between two peoples. To give him liberty but to leave him in ignominious misery and abject poverty, what was that but to prepare a leader for some future black rebellion? Today an African American is the President of the United States of America. A black family occupies the White House. A new dawn had arrived. It was morning once again in America. The times they are indeed a-changing.

For millions of people all over the world, including Pakistan, inauguration Day was, "a day for hope". Obama told the Muslim world that he wants "a new way forward, based on mutual interest and mutual respect". Obama was the first President to use the word "Muslim" in the inaugural address. He is also the first President to say publicly that some of his relations were Muslims.

Or consider this statement from Obama: "Our security", he said, "emanates from the justness of our cause, the force of our example, the tempering qualities of humility and restraint". It was a day for radical departure from the failed policies of former President George W. Bush. It also offers opportunities for bold initiatives and truly new beginnings. A new leader and a new era were on the way. Unfortunately, Obama's actions, so far, do not match his rhetoric. The remaking of America began with the bombing and killing of innocent men, women and children in Waziristan. So, where is the change?

Sometimes extreme dangers, instead of elevating a nation, bring it low. That is what happened to America after 9/11. 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 judgment, for the rage of a wounded giant can be irrational, its direction unpredictable.

Until Bush arrived on the world stage, it was axiomatic that the “habits of democracy are the habits of peace”; that democratic states abide by norms of behavior in the conduct of their foreign policy. Both Paine and Jefferson felt that the new nation could and should make a sharp break with the past and conduct a foreign policy guided by law and reason, not power politics. Jefferson claimed that “war and coercion were legitimate principles in the dark ages, but that in the new era of democracy and law, relations between nations should be guided by “but one code of morality”. Bush reversed all that and seemed intent on reinstating the old imperial logic of power that ‘might makes right’.

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. For Bush, the United Nations was an afterthought; treaties were not considered binding. The war on terror was used to topple weak regimes. Washington’s main message to the world was: 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.

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

Afghanistan and Iraq, two sovereign, independent Muslims countries are under American military occupation. Today the United States and Britain are conducting a virtual crusade against the Islamic world to steal its oil and capture its resources. Iran, Syria, and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated.

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

Americans seem to have forgotten America as an idea, as a source of optimism and as a beacon of liberty. They have stopped talking about who they are and are only talking 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.

Who says we are friends? There can be no friendship between the strong and the weak. There can be no friendship between unequals, neither in private life nor in public life. "The strong do what they can", the Athenians told the intractable Melians, "and the weak must suffer what they must". The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American Republic cautioned that "an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter". "It is folly in one nation", George Washington observed, "to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character". No truer words have been spoken on the subject. If you want to know what happens to an ill-led and ill-governed, small country, which attaches itself to a powerful country like the United States, visit Pakistan. Nuclear Pakistan has lost its independence.

It is now virtually an American satellite and is portrayed in American media as a 'retriever dog'. Pakistan lost its manhood, its honour, its dignity, and its sense of self-respect during the Presidency of George W. Bush.

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

Thanks to George W. Bush, President Obama has to pick up the fragments of a broken dream. He must begin by listening to the Muslim world, because if he does not understand what resonates with them, what fuels their anger, Americans will sink deeper and deeper into the black hole they are digging.

There are two immediate litmus tests by which we in Pakistan and Afghanistan and perhaps the rest of the world will judge Obama. The drone attacks on FATA are counterproductive and a violation of our sovereignty and must stop.

The decision to send additional troops to Afghanistan is simply an extension of the failed policy of George W. Bush. Beefing up the American occupation in Afghanistan is not the solution. It is part of the problem. The presence of foreign troops on their soil is perceived by Afghans as deeply humiliating, a constant reminder of the loss of everything they cherish, everything they hold dear—Freedom, sovereignty, liberties, honour and national pride. They will never accept foreign occupation of their country. The least America can do in its own national interest is to follow the first rule of holes and stop digging.

One thing is clear. There can be no stability in Afghanistan or Pakistan as long as Afghanistan remains under foreign occupation. That is for sure. Those who advocate beefing up the American occupation should keep in mind Rudyard Kipling's "the young British soldier", 1892: When you are wounded and left on Afghanistan's plains

And the women come out to cut up what remains  
Just roll to your rifle and blow up your brains  
An' go to your Gawd like a soldier.

How can President Barack Hussein Obama succeed in this "graveyard of Empires?"

## **La Rage au Coeur (The Rage in my Heart)**

“There is a time to laugh”, the Bible tells us, “and a time to weep”. Today I weep for the country I love, the country I so proudly served.

With General Musharraf’s exit, we thought we had reached the summit. Alas! The ascent of one ridge simply revealed the next daunting challenge. Mr. Jinnah could not have foreseen the tragic decline of Pakistan, when he passed his flaming torch into the hands of his successors or how venal those hands could be. 60 years after Mr. Jinnah gave us a great country, little men mired in corruption, captured political power and destroyed his legacy.

I have been frightened for my country only a few times in my life: in 1948 when Mr. Jinnah died. I never saw so many people crying, so visibly shaken by sadness. In 1971, it was the secession of East Pakistan. And horror of horror, December 27, 2007, when Benazir was assassinated and Zardari was elected as the President of Pakistan. This last moment is the scariest of all. I have always believed that Pakistan was a gift of God and was designed so that it could be run even by imbeciles. I was wrong. No system can be smart enough to survive this level of corruption, incompetence and recklessness by the people charged to run it.

This is dangerous. Pakistan is in for dark days ahead. The tragic assassination of Benazir, a stain on the nation’s conscience, still haunts me. I first met her at 70-Clifton when she was about 12 years old. “Meet Pinky”, Mr. Bhutto said to me while introducing her. His words still ring in my ears. Benazir wore a golden Sindhi cap and had a Siamese cat in her arms. Little did I know that her life, so full of promise, would be cut short by an unknown assassin? Tragically, her death is fast becoming a non-event. It seems no one is interested in unraveling the mystery surrounding her assassination or unmasking the perpetrator of this dastardly crime. Why? Should the high and the mighty, with blood on their hands, get off when ordinary people committing petty crimes are sent to prison? As the Chief Prosecutor for the United States at the Nuremberg trials, Robert Jackson warned: “law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power”.

There are periods in history which are characterized by a loss of sense of values. The times we in Pakistan live in are preeminently such an age. If you want to see a free nation stifled by inept, corrupt rulers, through its own apathy and folly, visit Pakistan. The great French thinker, Montesquieu, said in the 18th century: “The tyranny of a Prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy”. An irresponsible inept, corrupt,

government is the inevitable consequence of an indifferent electorate. Politics will never be cleaner in this country, unless and until citizens are willing to give of themselves to the land to which they owe everything". Today apathy is the real enemy. Silence is its accomplice. "The thing necessary", Edmund Burke once said, "for the triumph of evil is for good people to do nothing".

Today Pakistan is a shadow of what it used to be. The Federation is united only by a 'Rope of Sand'. 60 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. A general languor has seized the nation. "Democracy" in Pakistan is a mask behind which a pestilence flourishes unchallenged. It has a disjointed, dysfunctional, lopsided, hybrid, artificial, political system – a non-sovereign rubber stamp parliament, and a weak and ineffective Prime Minister, appointed by a powerful President.

Once we were the envy of the developing world. That is now the stuff of nostalgia. We seem exhausted, rudderless, disoriented. Our great dreams have given way to a corrosive apprehension, fear, uncertainty and frustration. The corrupt among us are doing breathtakingly well but the large mass is struggling hard just to keep its head above water. Today most youngsters graduate directly from college into joblessness.

60 years after independence, are we really free? Are the people masters in their own house? Are our sovereignty and independence untrammelled? Today, "Say Pakistan", and what comes to mind? – Military coups, sham democracy an "elected", all – powerful President, a non-sovereign parliament, a figurehead Prime Minister and a spineless judiciary. For a demonstration of why the mere act of holding election is not an adequate path to democracy, look no further than Pakistan. A ritual conducted in the name of democracy but without a democratic process or a democratic outcome devalues real democracy. Such elections only solidify authoritarian rule, they are worse than counter – productive.

Sometimes great dangers throw up great leaders. At the darkest hour, Chief Justice Iftikhar Mohammad Choudhary appeared on the scene like a *deus ex machina* and changed the course of history. He lit a flame that became a symbol which focused the nation's indomitable will. Today he presents himself before the nation as a glowing beacon against the forces of darkness. There is no sublimer picture in our history than this of the Chief Justice, facing all alone, a military dictator, serene and unafraid, refusing to resign, interposing the shield of law in the defence of the Supreme Court.

No event of our chequered constitutional history will be better remembered than General Musharraf's ill-fated decision to send a Reference against the Chief

Justice on preposterous, almost laughable grounds. But when Chief Justice Iftikhar refused to resign, and decided to defend himself, he ignited a flame that engulfed the country. With that simple act of courage, he changed the course of history. The die was cast. A Rubicon crossed. Suddenly, "that uneasily dormant beast of public protest" - Musharraf's nightmare, his greatest challenge - burst forth. The most primary motive for this seismic event was, of course, the fury of ordinary Pakistanis at the suspension and humiliation of the Chief Justice.

Iftikhar Choudhary will be remembered in history as the Chief Justice who brought the people together, gave them hope and cemented the Federation. Today he suffers so that the nation might live. He has become the focal point of a degree of support unprecedented for a non-elected official. It was as if the people felt the national peril instinctively and created a center around which the national purpose could rally.

When the historic rally on Jinnah Avenue led by "Black Coats" ended abruptly and inexplicably in the early hours of June 13, I experienced a strange kind of flatness and depression. When suddenly the whole struggle stopped and people dispersed in all directions, a feeling of emptiness, loneliness, furious frustration and dissatisfaction over results attacked me and swamped me. Today we have another chance. "When bad men combine, the good must associate", Burke's famous words in his "thoughts on the cause of the present discontent", "else they will fall, one by one, an unpitied sacrifice in a contemptible struggle". We too are living in a time when bad men have combined and when the good - defenders of the constitution, independence of judiciary, rule of law, must get together and leave no doubt about the cause they all share.

I still believe that people are sovereign. Inept, corrupt, political leaders can be replaced and will be replaced. Their foolish policies can be changed and will be changed. People have learned from their mistakes and misfortunes. A new leader and a new era are on the way, we will continue to fight, and to speak and to hope. A Pakistan governed by Law is waiting to emerge. We must never give up. We must never quit. We must never hide from history.

There is a new wave of change all around us. If we set our compass true, we will reach our destination. That is for sure. Change can't come without you, my countrymen, without a new spirit of service, a new spirit of sacrifice. So let us summon a new spirit of patriotism, of responsibility where each of us resolves to pitch in and work harder to reclaim the Pakistan dream. My fellow Pakistanis: we are a country in decline, not terminal, not irreversible but in decline. Our political system, dominated as it is by a handful of power-hungry, corrupt rulers, seems incapable of producing long-range answers to our problems. We must change it. And where we are met with cynicism and doubts and those who tell

us that we can't, we will respond with that timeless creed that sums up that spirit of the people: Yes, we can.

## **In Praise of “Black Coats”**

This country was not created by rifle and sabre. Three Barristers – Gandhi, Nehru and Jinnah, the first two not particularly gifted lawyers, led India to freedom. Unlike Gandhi and Nehru, Jinnah was a brilliant advocate. His unique political achievement, the creation of Pakistan, was the product of his genius as a Barrister. Sadly, the Pakistan Mr. Jinnah founded is gone. It disappeared the day power – hungry Generals, assisted by corrupt politicians, used the army as an instrument for grabbing political power and hijacked Pakistan. On that day, the lights went out. Pakistan slid into darkness.

The ongoing struggle of the Bar and the Bench, supported by civil society and some political parties, is part of an intense battle, for the resurrection of Jinnah’s vision of Pakistan, playing out across the country’s political and legal landscape. It is a struggle for the independence of judiciary and the fundamental question of Rule of Law or rule of man.

By a simple act of courage, Chief Justice Iftikhar had ignited a revolution and triggered civil commotion. Whatever the dénouement of this fateful drama, Chief Justice Iftikhar Mohammad Choudhary, has earned a place of honour for himself in the Pantheon of our judiciary. What shook General Musharraf and Mr. Asif Ali Zardari, his “democratic” successor was how members of the Bar, political parties, civil society and the print and electronic media, rallied around the Chief Justice.

When politics or politicians fail to resolve or even to address the great issues people face, what often happens is that civil society rises up to change politics. Historians call such moments “great awakenings” which often lead to big changes in society. Today Pakistan may be on the edge of such a time with a younger generation of lawyers and civil society as its cutting edge, ready to face the challenges and issues that weigh so heavily on this great country.

The political momentum now rests entirely with the “Black Coats” and the civil society. They can smell the march of their own power. At last, people have found their life mission, something to fight for, something to die for: fight dictatorship, military or civilian. They have also found the tool to achieve this mammoth task: street demonstrations.

Lawyers are officers of the court. In that capacity they assist the court on the one hand and the client on the other. The Bar and the Bench are parts of the same machine. Chief Justice is equally the mater and the pater, both of the legal

profession and the services. The Bar and the Bench are two wheels of the same cart. General Musharraf's assault on the apex court was an attack on both. That is why thousands of lawyers everywhere have taken to the streets and are protesting.

In the month of June last year, the people, as if in a sudden rush of understanding the power of their numbers, gravitated toward Islamabad. I witnessed their arrival at Aabpara. I saw wave after wave of singing, shouting men and women heading for Jinnah Avenue. You could not be faulted for believing that this was a juggernaut, an invisible force, a bloodless victory machine. No, not a machine, but an army of unarmed civilians. The mood around me verged on ecstasy.

As I watched the protesting lawyers on Constitution Avenue and the raw turmoil of street protest unfolded, the television cameras rolled, capturing the bellows of tear gas, the stone strewn streets, and the bloody protestors., I was reminded of Late Justice Kayani, who through his fearless conduct, his jealous custody of the highest traditions of Superior judiciary and his bold pronouncements at a time when the country was in the iron grip of martial law, won the hearts of his people. He waged a one-man heroic struggle for the Rule of Law. "You mean to say my health does not permit me to stay behind the bars", he told his son, "if the authorities decide to arrest me. What is the value of my health or my life! What difference does it make if I land in prison, when the entire country has become a prison, where every freedom loving person feels choked and where the press has no freedom". "Your country", Justice Kayani told Members of the Bar, "has not settled down to political stability. An arduous path lies before you, and the path of duty, and I say again, God bless you"! Prophetic words! Lawyers are out on the streets. The fight is on. Justice Kayani's tormented soul can rest in peace.

Few people had been offered the opportunity that lay open to Mr. Zardari. He blew it. The sad truth is that Mr. Asif Ali Zardari has boxed himself in. His "democracy", a shambles. Why doesn't he reinstate the deposed Judges and restore the statusquo ante? Why doesn't he make this long traumatized country normal again? What is his problem?

Today we have come to a critical fork in the road. The time has come which must determine whether Pakistan is to be ruled by Law or the whim and caprice of one single, solitary person. Do we wish to remain citizens of a Republic, or do we prefer some form of autocracy in which an accidental President decides the destiny of 160 million people?

The fires of frustration and anger are burning in every city and every village in Pakistan. The struggle has begun. There is no going back but forward ever. Today it is a political and moral imperative for all Pakistanis to fight for the independence of judiciary, the reinstatement of Chief Justice Iftikhar Mohammad Choudhary and all other deposed Judges, because on that depends, the very survival of Pakistan?

The people of Pakistan, men and women, young and old, have embarked upon a historic march, towards which we have striven these many months. The eyes of the world are upon us, the hopes and prayers of all those who believe in liberty, the Rule of Law, independent judiciary and authentic democracy are with us.

We march not for the lust of power, not for lucre. We march to let justice arise. In the words of Chief Justice Holmes, "We will not falter, we will not fail. We will reach the earthworks if we live, and if we fall, we will leave our spirit to those who follow, and they will not turn back. All is ready. Bugler, blow the charge".

## Supreme Court Reborn?

Here in Islamabad, we all tend to be afflicted by a low-grade dysphoria, a sort of constant melancholy that causes feelings of unease, isolation and dissatisfaction with life – an ‘inescapable ache’, I once heard it called.

All that changed dramatically on March 15, when the tectonic plates beneath the surface shifted and triggered a revolution. “Hence, loathed melancholy”, commanded Milton in his poem, “*Allegro*”, “Mirth, admit me of thy crue”. That is the spirit we need these days to dispel the gloom.

One of the lessons of history is that when people lose faith in their rulers, when rulers lose their credibility and integrity, when they renege on their promises, when their veracity is shattered, and when hunger and anger come together, people sooner or later, come out on the road and demonstrate Lenin’s maxim that in such situations, voting with citizen’s feet is more effective than voting in elections. That is what happened on March 15. People everywhere in Pakistan took to the roads and set out on the historic long march to Islamabad. The world witnessed the “power of the powerless”, in the words of the former Czech President Vaclav Havel. I never thought I would live to see this day. March 15 was the answer that led those, who have been told for so long by so many to be cynical and fearful and doubtful about what we can achieve, to put their hand on the arc of history and bend it once more toward the hope of a better day.

On March 16, 2009, the dark clouds on the judicial horizon lifted. The situation changed dramatically when Chief Justice Iftikhar Choudhary and all other deposed Judges were reinstated in the early hours of the morning. I met the Chief Justice at his residence at the crack of dawn. The mood around me verged on ecstasy. I was there! I was there! To quote Wordsworth: ‘bliss was it in that dawn to be alive.’ 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. Pakistan spread its wings and achieved altitude. Today hope is sweeping Pakistan.

In the history of the Supreme Court, no event would have more momentous consequences than the triumphant restoration of Chief Justice Iftikhar Choudhary two years after he was dismissed and incarcerated by a military dictator. When the history of this period comes to be written, historians will describe it as the “Judicial Revolution of 2009”.

Even revolutions have a “morning after”. The euphoria following the restoration of Chief Justice Iftikhar Choudhary and other deposed Judges soon gave way to the sobriety of the morning after, reminiscent of the short-lived Hungarian spring following the 1956 revolt against Soviet occupation and how it was crushed by Soviet tanks while democracies of the world stood aside. Our revolution is also under siege. Let there be no doubt about it. The first threats of counter revolutionary activity have already begun to appear. Attempts are being made to subvert the people’s will and overturn the revolution.

In Pakistan, as in all Federations, the Supreme Court plays a crucial role. It is the sole and unique tribunal of the nation. It is more than a usual law court. It is primarily a political institution in whose keeping lies the destiny of a great 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. 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 so 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, Mr. Zardari succeeded brilliantly in doing so. At a time when his fortunes have sunk to their lowest, and his foes picture him as a man consumed by rancor, Mr. Zardari has packed the Supreme Court and the High Courts with party loyalists. No wonder, people are disgusted at some of the appointments to high judicial offices.

“The President may slip”, Tocqueville wrote in 1837, “without the state suffering, for his duties are limited. Congress may slip without the Union perishing, for above the Congress there is the electoral body which can change its spirit by changing its members. But if ever the Supreme Court came to be composed of corrupt, weak or rash persons, the Confederation would be threatened by anarchy or civil war”. Tocqueville wrote about democracy in America, but his observations are equally applicable to present – day Pakistan. Barring some blissful exceptions, most justices of the Dogar Supreme Court are ill equipped for the task assigned to them.

In every period of political turmoil, men must have confidence that superior judiciary, the guardian of the constitution, will be fiercely independent and will resist all attempts to subvert the constitution. This, I regret to say, is not the case in Pakistan today. The credibility of the court is badly impaired. People have lost confidence in the independence and integrity of the court.

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

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. When that happens, the dykes of law and justice break, and revolutions begin.

Today we are engaged in a great battle for the Rule of Law and independence of judiciary. We have won the first round but the fight is not over. Chief Justice Iftikhar Mohammad Choudhary faces an uphill task. An awesome responsibility rests on his shoulders. The survival of the Federation as a democratic, progressive state now depends on his Court. His appointment was the happy event that changed the course of history.

He has set in motion a judicial revolution that is irreversible. We must defend it. Those who resist independent judiciary, those who resist the Rule of Law, those who resist the judicial revolution, and there are quite a few, are counterrevolutionaries. We must throw them out of the Temple.

## Obama Threatens Pakistan

As I listened to President Obama's address to the nation and his wartime rhetoric, I held my breath. He didn't speak softly. His tone was very harsh and threatening. He carried a big stick. That was quite obvious.

The spontaneous reaction of all those present was that Obama had learned nothing from history and was not going to change course in Afghanistan or Pakistan. As they say, it was *de ja vou* all over again. What he said was no different from what George W. Bush had been saying for years.

Once we thought this one-of-a-kind American president could do great things. In his inaugural address he focused more on "soft power" and told the Muslim world that he wants "a new way forward, based on mutual interest and mutual respect". All that seems to have changed. His message for Pakistan now is loud and clear: do as I tell you, or else. This is not the way the Americans treated us or talked to us when they were wooing us. This is what happens when you have been in the harem too long. Oh! What a difference a half a century can make.

Obama's decision to send additional troops to Afghanistan is simply an extension of the failed policy of George W. Bush. Beefing up the American occupation in Afghanistan is not the solution. It is part of the problem. The presence of foreign troops on their soil is perceived by Afghans as deeply humiliating, a constant reminder of the loss of everything they cherish, everything they hold dear-Freedom, sovereignty, liberties, honour and national pride. They will never accept foreign occupation of their country and they will never collaborate with the enemy. Let there be no doubt about it.

Talking about escalation in Vietnam, President Kennedy told Schlesinger. "It is like taking a drink. The effect wears off and you have to have another... The war in Vietnam could be won only so long as it was their war. If it were ever converted into a white man's war, we would lose it as the French had lost a decade earlier". The American war in Afghanistan and Pakistan's tribal territory is essentially a white man's war and is not winnable.

"Would the escalation be sufficient to break the insurgency in Vietnam", asked General Earle Wheeler, the Chairman of the Joint Chief of Staff. Westmoreland's response was unequivocal and shocking. "The direct answer to your basic question is 'no'". The same applies to the war in Afghanistan today.

Today the United States is at war in Afghanistan and our tribal area. However you title or define it, it is war, a war it cannot win. Today nationalism is among the most potent phenomena of political life in this part of the world. In the past, nationalism had succeeded in disrupting the British, French, Dutch, Portuguese, Austro-Hungarian and ottoman Empires. If United States persists in waging this totally unnecessary and unjustified war, it would suffer a similar fate.

The fundamental question Obama must address is whether American combat troops would be able to prevail over the same fiercely committed and highly effective insurgent forces that had driven the Red Army out of Afghanistan – and who also viewed the United States as an imperial occupying power. It is my considered opinion that the Obama administration's program for Afghanistan and Pakistan is rash to the point of folly. I foresee a perilous voyage for the Americans. One thing is for sure. With more Americans in combat, there would certainly be greater losses. Obama is sending conventional troops to do an unconventional job in Afghanistan. He is bound to fail.

"Afghanistan taught us an invaluable lesson", a former Soviet General, Boris Gromov said on the anniversary of the withdrawal of Soviet troops on February 15, 1989. "You cannot kill your way out of insurgency in Afghanistan. It has been and always will be impossible to solve political problems using force". The United States is walking in the Soviet Union shoes. Sending more US soldiers to Afghanistan is not the answer. Never, Never deploy military means in pursuit of indeterminate ends. This is the lesson of history.

Americans invaded Afghanistan more than eight years ago. They have not broken the back of Al Qaeda and Talibans. They have not captured or killed Osama Bin Laden or any other high profile leader. They have no exit strategy. An honest assessment of the situation would lead inexorably to such terms as Fiasco and quagmire. Why persist in this folly?

As the author, Thomas Powers, wrote recently, "what no country can do for long is force strange people in distant places to reshape their politics and society more to our liking. The effect passes as nation-building at the outset, but in the long run counter insurgency always comes down to the same self-defeating strategy – killing locals until they stop trying to make us go away". This is exactly what Americans are doing in Afghanistan and our tribal area.

In the early 1900s, a crusty British General, Andrew Skeen, wrote a guide to military operation in the Pashtun Tribal belt. His first piece of advice: "When planning a military expedition into Pashtun Tribal areas, the first thing you must plan is your retreat. All expeditions into this area sooner or later end in retreat under fire".

The wise course in Afghanistan would be for the United States to emulate France's example of divesting itself of its colonial obligations. If you look at the prestige of France today, it is certainly higher than it was when France fought in Algeria, and certainly higher than when France fought in Indochina. If ever there was an occasion of tactical withdrawal from Afghanistan, this is it.

Lyndon Johnson, despite a booming economy, lost his Great Society to the Vietnam War. He would later tell Doris Kearns Goodwin, "if I left the woman I really loved – the Great Society – in order to get involved with that bitch of a war on the other side of the world, then I would lose everything at home. All my programs... all my dreams...". Obama runs a similar risk of losing everything in the mountains of Afghanistan and Waziristan. Why not, Mr. President, profit from Lyndon Johnson's experience and withdraw before it is too late.

"The single greatest threat to (Pakistan)", Obama said recently, "comes from Al Qaeda and their extremists allies". This is only partially true. All our major problems stem from the American invasion and occupation of Afghanistan. It has turned our tribal area into a protracted ulcer, a quagmire – a place where Pakistan is spending blood and treasure to protect American interests.

Obama must know that each strike by Predators or American ground forces reverberates in Pakistan. With the targets now spreading, an expanding US role inside Pakistan may be more than anyone can stomach. The anger level in the country is reaching a dangerous level. Obama will be well advised to scale back American ambitions in Afghanistan. No puppet government in Kabul can exercise effective control in the country beyond the Capital or assure that it does not become a sanctuary for terror groups.

"The United States", Obama said, "has great respect for the Pakistani people". Bombing our villages and killing innocent men, women and children, Mr. President, is no way of earning the respect of our people. Like millions of my countrymen, I feel a deep antipathy toward the "Yankees" who have, with the help of power-hungry Generals of Pak army, turned independent, sovereign, proud Pakistan into a "pseudo - Republic" and a "rentier state" and allowed venal dictatorship to take root.

Who says we are friends? There can be no friendship between the strong and the weak. There can be no friendship between unequals, neither in private life nor in public life. "The strong do what they can", the Athenians told the intractable Melians, "and the weak must suffer what they must". The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American Republic

cautioned that “an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter”. “It is folly in one nation”,

George Washington observed, “to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character”. No truer words have been spoken on the subject. Who did this to us? Angry. So very, very angry. Unable to speak due to mega-anger washing over every pore and fiber of my being.

If you want to know what happens to an ill-led and ill-governed, small country, which attaches itself to a powerful country like the United States, visit Pakistan. Nuclear Pakistan has lost its independence. It is now virtually an American satellite sans its manhood, its honour, its dignity, and its sense of self-respect.

## Who will save Pakistan?

As he left the constitutional convention of 1787, Benjamin Franklin was asked by an admirer, "Dr. Franklin what have you given us". Franklin turned to the questioner and replied, "A Republic, if you can keep it".

Not too long ago, we too possessed a great country earned for us by the sweat of the brow and iron will of one person. Once we walked tall with straight backs. Today we are haunted by the apocalyptic nightmare of the Dream Gone Sour. Where giants walked, midgets pose now. Our rulers, both elected and un-elected, have done to Pakistan what the successors of Lenin did to Soviet Union. They derailed Jinnah's legacy. They perverted Jinnah's heritage. 62 years after Mr. Jinnah gave us a great country, little men mired in corruption, captured political power and hijacked Pakistan.

Eternal vigilance, they say, is the price of liberty. Many nations in the past have attempted to develop democratic institutions, only to lose them when they took their liberties and political institutions for granted, and failed to comprehend the threat facing their countries. Pakistan is a classic example. Born at midnight as a sovereign, independent, democratic country, today it is an American lackey and a "rentier state" in the grip of a grave political and constitutional crisis. 62 years after independence, the kind of Pakistan we have today has lost its manhood and is a ghost of its former self. Our entire political system has been pulled into a black hole caused by foreign intervention and prolonged misrule.

There are periods in history which are characterized by a loss of sense of values. The times we in Pakistan live in are preeminently such an age. If you want to see a free nation stifled by indigenous civil and military dictators through its own apathy and folly, visit Pakistan. The great French thinker, Montesquieu, said in the 18th century: "The tyranny of a Prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy". Politics will never be cleaner in this country, unless and until citizens are willing to give of themselves to the land to which they owe everything". Today apathy is the real enemy. Silence is its accomplice.

Long ago, Karl Marx, famously borrowing from Hegel, said: "Everything happens twice in history, the first time as tragedy, the second as farce". In our case, history has a habit of repeating itself again and again *ad nauseum* and is nothing more than a series of endless repetitions, each more debased than its predecessor.

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

Isn't it a great tragedy that at a critical time like this, the only office that matters in Pakistan, is the Presidency? Democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment; all civil and political institutions remain eviscerated. All power is concentrated in the hands of Mr. Asif Ali Zardari. He is the President, Supreme Commander and party co-chairperson, to boot. He wields absolute power without responsibility and is accountable to none. Nothing moves without his approval. This is the bleakest era in the history of Pakistan since 1971. The independence of Pakistan is a myth.

Pakistan is no longer a Sovereign, independent country. It is splattered with American fortresses and CIA centers, seriously compromising our internal and external sovereignty. People don't feel safe in their own country. Any citizen can be picked up by FBI agents in collusion with our government and smuggled out of the country, making a mockery of our independence and sovereignty. To apply the adjective sovereign to the people in today's Pakistan is a tragic farce. American military personnel cross and re-cross our border without let or hindrance. They violate our air space with impunity and kill innocent men, women and children. Everyday I ask myself the same question: How can this be happening in nuclear Pakistan? How can this go unchallenged? Where are the guardians of our frontiers?

An evil spirit hangs over Pakistan. Is it our destiny that there must always be darkness at high noon, there must always be a line of shadow against the sun? Why is the better sort of the nation so silent today? Why have the intellectuals adopted 'the genre of silence'? Why is there no public outrage against American drone attacks or interference in our internal affairs? Why is there no loud protest? The creative intellectuals seem to have been driven to ramshackle ivory towers or bought off.

It gives me no pleasure to say that Jinnah's Pakistan no longer exists, by that I mean the country of our dreams, our hopes, our pride. Today a moral crisis is writ large on the entire political scene in Pakistan. The Pakistan dream has morphed into the Pakistan nightmare. This sad state of affairs reminds me of one of Prime Minister Chou En Lai's poem written in the early days of the struggle.

*A whirlwind pounds  
Our heartsick land.  
The nation Sinks  
And no one minds.*

When politics or politicians fail to resolve or even address the great issues people face, what often happens is that civil society rises up to change politics. Historians call these moments “great awakenings” which lead to big changes in society. Today we Pakistanis may be on the edge of such a time with a younger generation of lawyers as its cutting edge. Today the civil society, more vibrant than ever, holds the promise of inspiring and empowering ordinary people in ways unimaginable before. At last, people have found their life mission, something to fight for, something to die for. They have also found the tool to achieve this mammoth task: street demonstrations.

Is there a way out? Can we stem the rot? My short answer is yes. It has been done before. Why can't it be done again? Examples abound. On March 1, 1883, a retired civil servant addressed a soul-inspiring letter to the Graduates of Calcutta University, inviting them to come forward and dedicate themselves to the service of their country. “If you, the picked man, the most highly educated of the nation, cannot, scorning personal ease and selfish objects make a resolute struggle to secure freedom for yourself and your country...then India truly neither lacks nor deserves freedom or any better government than she now enjoys”. He reminded them that “whether in the case of individuals or nations, self-sacrifice and unselfishness are the only unfailing guides to freedom and happiness”.

In response, a galaxy of some 70 Indians, professionals like lawyers, teachers, journalists, doctors etc. for the most part, gathered in Bombay to form the Indian National Congress. Is it too much to expect no more than 100 committed Pakistani graduates, unaffiliated with any political party, with a mania for martyrdom, to get together, form a nucleus and launch a resolute struggle to save Pakistan? A successful movement like this never requires more than a handful. It only needs a silent majority to watch and sympathize.

We live in a profoundly precarious country. The current course is unacceptable. The good news is that we are finally getting united and beginning to channel this anxiety into action. If people who owe everything to this country take to the streets – as they have in other countries and as they have in the past in this country in defence of our core institutions, things will change. The statusquo will shift, authoritarianism will crumble, and people will once again believe in the power of the powerless. The long nightmare will be over. It will be morning once

again in Pakistan. This is the last chance. The last battle. If we shall not stand out into the streets, the long polar night will descend on Pakistan.

So cast off despair. "Buckle up, be up and doing!"

## **Pakistan - A Case of Failed Leadership**

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. He said the same thing when he addressed civil servants in Peshawar in April 1948.

Today there is no such thing as law and order anywhere in Pakistan. When the administrative machinery breaks down (as it has in Pakistan), law and order is the first casualty. "And when respect for law and authority declines, the devil of force leaps into its place as the only possible substitute and in the struggle that ensues, every standard of conduct and decency is progressively discarded. Men begin by being realists and end by being Satanists. Sometimes synthesis takes place from within; sometimes it is imposed from without. If the original breakdown of authority is caused by a ferment of ideas, a genuine revolution like the French may result. If it is simply due to the decrepitude of authority, the solution is the substitution of a fresh authority, but whether that substitute is external or internal depends upon local circumstances". This is the situation Pakistan faces today.

"The greatest threat facing Pakistan comes from terrorism not India", said US Army General David Petraeus in a speech at Harvard University. "The existential threat", Petraeus said, "is internal extremists and not India". Similar alarming statements emanate daily from Washington. Contrary to what the Obama administration says, the greatest threat to Pakistan, in fact the entire Islamic world, stems not from religious militancy and secretarianism but from the surging American imperialism. Terrorism is not indigenous to Pakistan. It is the direct consequence of American invasion and occupation of Afghanistan and American Drone attacks in FATA. Religious extremism and secretarianism are symptoms of a chronic malady which has afflicted the Islamic world since the demise of the Holy Prophet. It is not a new phenomenon. It is an internal dispute with liberalizers or secularists within our religion. American imperialism, on the other hand, poses an altogether different and much more dangerous threat.

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

Afghanistan and Iraq, two sovereign, independent Muslims countries are under American military occupation. "Anyone can see what happened in Iraq. It was

nothing more than a war of colonial conquest fought for oil, dressed up as a crusade for western life and liberty. And its authors were a clique of war – hungry Judeo – Christian geo-political fantasists who hijacked the media and exploited America’s post-September 11 psychopathy”. These words are not mine; they are spoken in John le Carre’s new novel “Absolute Friends” and all too accurately expose the true nature of the so-called American war against terrorism. Afghans paid a horrible price for not meeting US demands and defying the world’s sole superpower. Iran, Syria, Saudi Arabia and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated.

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. American security personnel 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. Nuclear Pakistan has been turned into a ‘rentier state’ and an American lackey, currently engaged in a proxy war against its own people in FATA and PATA.

America has turned Afghanistan into the mother of all quagmires and is threatening to enact the same gory drama in Pakistan. They have destroyed a sovereign, independent country and shattered an equilibrium that kept Pashtuns and non-Pashtuns from each other’s throats for centuries. Their presence in Afghanistan and Pakistan is unwelcome and disruptive. Obama is sinking further and further into an endless conflict and a black hole in Afghanistan. The wisest thing America can do in its own national interest is to follow the first rule of holes, stop digging and get out.

In Afghanistan, the United States finds itself 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 – victory in Afghanistan.

It is a misconception that Pakistan is, or is on the point of becoming a “failed state”. The Joint Forces Command recently issued a study saying that Pakistan could be in danger of rapid and sudden collapse. It most assuredly will not.

Pakistan has demonstrated an impressive capacity to overcome crises of which we have had our fair share. Pakistan is not case of failed state. It is a case of failed leadership.

Talking about leadership, Napoleon once famously said, “An army of rabbits commanded by a lion, is better than an army of lions commanded by a rabbit”. Our nation has the heart of a lion. But who is there to give it the roar as Churchill did in World War II? Who is there to provide leadership? Who will reclaim our sovereignty, our self-respect, our sense of pride, our moral compass? How will Pakistan regain its soul, its *élan vital*? Pakistan must be mistress in her own house and captain of her soul. But who will tell the American: enough is enough. No more violation of our air space. No more Drone attacks, no more interference in our internal affairs. Who will lead the nation and the country back on to broad uplands where freedom shines? Who will lead the people out from the dark forest into the broad sunlit plains of peace, stability and democracy?

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. Isn’t it a great tragedy that at a time when statesmanship of a very high order is the need of the hour, public stage is filled by weak-kneed triflers, mountebanks and charlatans begrimed with corruption? 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 and betrayed by a succession of corrupt politicians? Will Pakistan ever catch the flood tide of History?

Today Pakistan has a disjointed, lopsided, topsy-turvy, hybrid political system – a non-sovereign rubber stamp parliament, an “accidental President”, and a weak and ineffective Prime Minister – a system they call “pure democracy”. In the words of Oliver Hardy, “a fine mess they have got us into”. Democracy is a splendid conception, but it has a disadvantage on occasions of placing in the lead men whose hands are dirty, who are mired in corruption, who are dodgy, who will sap the strength of a country, not in years, but over a period of months, who will demoralize and encompass the collapse of a great nation in the space of a few months. When a nation is in crisis, it needs a man to match the time. In other countries, crises produced great leaders. In our country, leaders produce crises. When they go abroad or speak to Foreign Heads of State, Pakistanis sit on the edge of their collective seats wondering how their rulers will embarrass them next.

Failure is the most often heard expression in Pakistan today. Some say we are at the last quarter of an hour. These are times of great trouble in Pakistan. These are times that try men's souls and moments when love for your country overrides all other considerations and calls for supreme sacrifice. It is not enough to sit back and let history slowly evolve. To settle back into your cold-hearted acceptance of the status quo is not an option. At times like these it is necessary to venture into the hazardous wilderness. The present leadership is taking Pakistan to a perilous place. The course they are on leads downhill. It appears as if we are on a phantom train that is fast gathering momentum and we cannot get off. I am reminded of some lines from an unknown writer about a railway accident:

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

So what is to be done? Margaret Mead once said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has". Nowhere is that more accurately reflected than in the handful of persons who rallied round the deposed Chief Justice and changed the course of history in Pakistan. So let us get together. The battle for the restoration of deposed Judges is over. The

Battle for Pakistan is about to begin.

## **La Patrie en Danger**

Pakistan was born free, sovereign and independent. Today it is in chains, and in deep, deep trouble. Once we believed we were possessed of a unique destiny. Today our country is dysfunctional and sleepwalking toward disaster. It is, in the evocative French word, "Pourri" – rotten to the core.

It is not the country it was 10 years ago before General Musharraf struck and usurped political power. Back then, the country was in strong hands, settled, stable, democratic and free. Today, Pakistan is an American lackey, a "rentier state", ill-led and ill-governed. A country full of promise has become the laughing stock of the world. Even the most incurable optimists, as some of us are, are deeply worried about the future of the country.

Toady the country is as near to anarchy as society can approach without dissolution. This is the time of *La Grande Peur*, ("the great fear"): foreign aggression, soaring prices, laws without force and magistrates without courts. Across the country, people inveigh against the senseless proxy war in FATA and PATA, the lack of accountability, the widespread corruption, the breakdown of law and order, and the all pervading sense of insecurity.

Outwardly, Islamabad is still as the surface of the pond. An illusionary calm seems to have settled over Pakistan. The reality is that Pakistan is anything but calm. It has not become just dangerous but shrill; an embattled President, is now regular sport for the people, heckled and mocked not behind his back – but heresy of heresies, in the open. Today he is like a "captain in the cabin" dozing while the country was being driven into an "enemy's port". It is Zardari's most beleaguered hour. Rarely has one man's misrule so horribly endangered the security of the country. Instead of governing, Zardari is lurching from disaster to disaster. Is it any wonder that the situation in Pakistan is so dire? How much more dire it must get before the people do something about it.

Today Pakistan is rudderless and sliding into darkness. It is like a nightmare in which you foresee all the horrible things which are going to happen and can't stretch out your hand to prevent them. Such is the feeling conjured up by inept rulers of Pakistan as it enters a period of great uncertainty and sinks deeper and deeper into the quagmire.

A pall has descended on the nation and we are fast approaching Arthur Koestlers' *Darkness at Noon*. 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 speak up and say Enough is Enough. No more drone attacks. No more American interference in our internal affairs. All have lofty ideals, hopes, aspirations, desires, which produce no visible or durable results, like old men's passions ending in impotence.

In these harsh and dangerous political times, the question of leadership is at the center of our national concerns. The times cry out for leadership. At the heart of leadership is the leader's character. Pakistan is a nation of teahouse politicians, midgets with no commitment to principles and no values; nothing to die for and nothing to live for. Here we have pocketbook liberals, pseudo democrats and orthodox religious leaders concerned only with short - term profits and only too eager to do business with the Americans. A chasm separates them from the people who see them as a predatory group, self-enriching and engaged in perpetual intrigue while the country collapses.

Today Pakistan is ruled by a President who lacks credibility and predictability and seems oblivious to the realities of his awesome responsibilities and is interested only in perpetuating himself. The country is breaking down. It has become ungovernable and would remain so as long as present leadership remains in power. Unless we get the right kind of leadership, centrifugal forces, which are fast becoming stronger, would destroy this country.

In the backdrop of this grim picture, under American pressure, Prime Minister Yousuf Raza Gillani, blissfully ignorant of the storm raging outside, suddenly broke off talks, declared war on the militants in Swat and vowed to crush them. His speech has a ring of de javu about it, reminiscent of President Yahya Khan's speech after launching military action in East Pakistan. It is very easy to start a war, difficult to end it. Once war is unleashed, it becomes unpredictable, uncontrollable and produces unintended results.

I was in Dhaka on March 25, 1971 when army operation was launched. I saw long lines of our own people - men, women and children, with their pitiful belongings on their heads, heading for the Indian border. We lost East Pakistan on that day. It is idle to speculate, with the benefit of hindsight, but the war with India, 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, the untold human misery, might have been avoided, if we had eschewed military option altogether and kept the talks going in search of a political solution. The politicians, left to themselves, would have muddled through the crisis and struck a political bargain. The history of Pakistan might have been different.

The lesson of the ill-fated army action in East Pakistan is: never, never, use your army against your own people. It leads to civil war, foreign intervention and the breakup of the country. Military operation did not succeed in Balochistan either in 1977 and had to be called off by General Zia ul Haq. How can it succeed in Swat, Buner or Dir?

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?

Why kill your own people just to please the Americans? Why uproot lakhs and lakhs of your own people and turn them into refugees in their own country? Stop this absurd fighting, resume talks and you will see at once a new blossoming of hope all over the country.

The Pakistan army is a people's army, in the sense that it belongs to the people of Pakistan. It is the only shield we have against foreign aggression. In the absence of strong political institutions, it is the only glue that is keeping our fragile federation together. Why use it against your own people? Why use force to resolve what is essentially a political problem?

Today all the symptoms which one had ever met within history previous to great changes and revolutions exist in Pakistan. Our army is at war with its own people. With the tacit consent of our rulers, American drones violate our airspace, bomb our villages in the tribal areas, and kill innocent men, women and children. Not a dog barks in protest. The country appears to be adrift. Nobody knows where it was headed without popular leadership to guide or direct it. The social contract between the rulers and the ruled has collapsed. Fundamental issues of far - reaching significance are churning beneath the placid surface of life. I know that at the present moment an unusual agitation is pervading the people, but what it will exactly result in, I am unable to say. "I can detect the near approach of the storm. I can hear the moaning of the hurricane, but I can't say when or where it will break forth".

In a democracy, political change is linked to a change of rulers, which occurs regularly and at minimal social cost. The absence of authentic democracy, however, does not prevent a change of rulers. It happens anyway.

It takes the form of revolution. Some are "soft" like the velvet revolution in Czechoslovakia in 1989 or the "orange" revolution in Ukraine in 2004. Some are bloody like the October revolution in Russia or the Iranian revolution. Nobody

denies the inevitability of change in Pakistan. It will happen sooner or later, perhaps sooner than later. But when it does happen, it may not be “velvet”.

## Sheep without Shepherd

Pakistanis look up to their President in a crisis because he has unlimited power to sort things out and get things done. He is, therefore, the center of their expectations. Crisis is a crucible in which the President and his administration are tested as nowhere else. No other event tries so vigorously the self confidence, judgment and prudence of the President. The consequence of his action or inaction may determine the fate of millions of his countrymen. "Voe to him if trouble does not fade and the clouds do not roll back".

Mr. President! "When are you visiting Pakistan"? A foreign journalist is reported to have asked Zardari. He was in America when Swat was plunged into a civil war and set on fire. At a time when Pakistan is facing one of the world's worst displacement crisis, with many still on the road and over 20 lakhs crammed into dusty camps, educational institutions or private 'hujras' in and around Mardan, Zardari, oblivious to the suffering of his people, extended his stay abroad. The response one would expect from a President never happened. Instead of rushing back to Islamabad to oversee an unprecedented crisis, he stayed on in America before heading for London and Paris. He came under extraordinary criticism for his languid leadership style and callous indifference to the woes of his people rendered homeless by army action. What the world witnessed was the dangerous incompetence and staggering indifference of a President to human suffering.

What is it that people really expected from their President in a national crisis? It is something that the National psyche needs. The people expect the occupant of the Presidency to share their suffering, to assure those trapped in the cross-fire, that they will survive; that they will get through it. He has to be a Chief Executive who is in Command, who reacts promptly, who mobilizes resources and alleviates human suffering. Above all, he must inspire confidence. And so, he has to be that larger-than-life figure. The change in intensity in the news media - cable channels are broadcasting round-the-clock horrifying pictures of thousands of people trudging along or packed like sardines in the tents, - has sharply increased the demand on the President. In such a situation, people want and expect more of a personal connection. That did not happen. People still remember how General Azam handled the flood crisis in East Pakistan. He struck a human chord and won over the hearts of the people of East Pakistan. They loved Azam and still remember him with affection. In stark contrast, President Zardari looked so cold, so unconcerned, so indifferent, so distant, so wooden and so bureaucratic. All the evidence points, above all, to a stunning lack of both preparation and urgency in the President's response. Nothing about

the President's demeanor – which seemed casual to the point of carelessness – suggested that he understood the depth of the crisis. No wonder, people are furious, disgusted, mad as hell.

The army operation has caused the biggest migration since partition. While the rich got out well in time, poor people, growing more hungry, more frightened by the hour, were left behind and hardest hit. They did not have transport. The official evacuation plan, if any, was really based on people driving out in their own cars! The poor had no access to cars. As soon as the curfew was lifted, they tried to get out anyway they could. Lakhs of people, men, women and children, young and old, sick and infirm, streamed out of Swat and started the long march to Mardan.

From the earliest days of our country to the events of today, my real heroes have always been the men and women, young and old, mostly poor, who risked their lives, and sacrificed their lives to found this Republic.

It seems that in every age of our history, the people always rose to meet the challenges and difficulties of their times. I am now speaking of those countless people in Mardan and Swabi who welcomed lakhs of displaced person with open arms and put them up in their humble abodes. Suddenly, as if by magic, they all belonged to one family, held together in the knowledge that each one were to give all that he had to give.

No one gave the people the impulse to do what had to be done. They rose to the occasion spontaneously to face the challenge. It brought out the best in them. It was their finest hour.

The hurricane Katrina unmasked George W. Bush. The army action and the exodus it caused, has similarly unmasked Zardari. It illuminated a serious character flaw hidden from the public. In a president character is everything. He does not have to be brilliant. Truman was not brilliant and he helped save Western Europe from Stalin. He does not have to be clever. He can hire clever. But he cannot buy character. He cannot acquire decency. He cannot acquire empathy. A President must bring these qualities with him when he enters the Presidency.

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 Zardari grasped the helm more than a year ago but the country still doesn't know whether he has an inner compass, or a course to steer or a port to seek. It is now abundantly clear that Zardari is not worthy of the trust placed in him by his people. He carries a serious baggage, dogged for years by charges of corruption until they were

abruptly dropped under NRO. No democrat should come to power through such an array of backroom machinations, deals with Generals or Washington. No wonder, too many people reject his political legitimacy.

“Pakistan’s pants are on fire”, said Representative Gary Ackerman, democrat of New York. During the Vietnam War there was a phrase that came to symbolize the entire misbegotten adventure: “it became necessary to destroy the village in order to save it”. It was said at first with sincerity, then repeated with irony, and finally with despair. Sadly, a similar suicidal drama is being enacted in the beautiful valley of Swat on Zardari’s watch. It brings to mind Arnold Toynbee’s comment that a civilization doesn’t die from being invaded, but rather commits suicide.

Sometimes, once in a long while, you get a chance to serve your country. Few people had been offered the opportunity that lay open to Mr. Zardari. He blew it. His long absence from the country at a dangerous time in the history of Pakistan, his indiscretions abroad, his embarrassing press interviews, did more damage to the image of Pakistan than the much – maligned extremists could ever have done.

President Zardari has been weighed in the balance and found wanting. There is a fin-de-regime feel about Pakistan these days, and the miasma clings to Zardari. A year ago, he was anointed, literally behind the coffin of his wife, only to find the reins of power slipping from his grasp just as his moment in history arrived. His appeal to his countrymen for sacrifice to help the displaced persons reminds me of Lloyd George’s response to Chamberlain’s appeal for sacrifice when World War II broke out. “I say solemnly”, Lloyd George said, “that the Prime Minister should set an example of sacrifice, because there is nothing which can contribute more to victory than that he should sacrifice the seals of office”. A tearful Chamberlain resigned in national interest. His successor led the country to victory.

These are critical days in Pakistan. There is no steady hand on the tiller of Government. The survival of the country, its sovereignty, its stunted democracy, its hard-won independent judiciary, all are on the line. In these dangerous times, anything is possible. I shall not be surprised at any event that may happen. The country is gripped by fear and uncertainty. One doesn’t have to read the tea leaves for a glimpse of our future. The ship of state is decrepit and creaky. The sea is turbulent. The captain has a weak anchor and no compass. The crew is inexperienced. If the nation doesn’t wake up, we will all go down like the Titanic.

History will remember both that Zardari failed to hear the warning bells and that politicians failed to ring them loudly enough.

## The Unnecessary War

Somehow, our history has gone astray. We were such good people when we set out on the road to Pakistan. What happened?

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

"Liberty once lost", Adams famously told his countrymen, "is perhaps lost forever". We Pakistanis lost our liberties and all our democratic institutions in October 1999. Sadly, Pakistan also lost her honour and became a 'rentier state' on General Musharraf's watch when he capitulated, said yes to all the seven demands presented to him at gunpoint by Secretary Colin Powell and joined the "Coalition of the coerced".

Regrettably, this situation remains unchanged even though the country is now under a democratic dispensation!

A lesson to be drawn from the works of Gibbon is that Rome's enemies lay not outside her borders but within her bosom, and they paved the way for the empire's decline and fall – first to relentless barbarian invaders from the north, and then, a thousand years later, to the Turks. Many early symptoms that heralded the Roman decline may be seen in our own nation today: concentration of power in one person without responsibility and accountability, contempt for constitution and political institutions, absence of Rule of Law, high-level corruption and greed and last but not least, periodic military intervention in the affairs of state and prolonged military rule. When the history of Pakistan comes to be written, the verdict of history will, almost certainly be that military rule, more than anything else, destroyed Pakistan.

If you want to know what happens to a country when unbridled ambition of its rulers flourishes without proper restraint, when absolute power enables the ruler to run the country arbitrarily and idiosyncratically, when none of the obstacles that restrain and thwart democratic rulers stand in his way, when parliament is cowed, timid, a virtual paralytic, well: visit Pakistan. Today it is like a severely blinkered cart horse painfully pulling a heavy wagon on a preordained track to nowhere.

All the philosophers tell the people they are the strongest, and that if they are sent to the slaughterhouse, it is because they have let themselves be led there. Authoritarianism is retreating everywhere except in Pakistan. Why? In other countries there are men and women who love liberty more than they fear persecution. Not in Pakistan. Here the elite who owe everything to this poor country do not think in terms of Pakistan and her honour but of their jobs, their business interests and their seats in a rubber stamp parliament. Surrender rather than sacrifice is the theme of their thoughts and conversations. To such as these talk of resisting autocracy is as embarrassing as finding yourself in the wrong clothes at the wrong party, as tactless as a challenge to run to a legless man, as out of place as a bugle call in a mortuary.

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, when to go to war and when to restore sham democracy.

Are people Anxious? Dejected? Fearful? Angry? Why wouldn't they be, considering the daily barrage of rotten news assaulting them from every direction? We live in a country that is terribly wrong and politically off course. What is worse, it is no longer a Sovereign or independent country. It is a lackey of the United States. When will this tormented country be whole again? When will this sad country be normal again? The engine is broken. Somebody has got to get under the hood and fix it. President Zardari is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him. The country is in deep, deep trouble. An uncertain future leaves us stranded in an unhappy present with nothing to do but wait. Eventually, the cup of endurance runs over and the citizen cries out, "I can take it no longer". A day will soon come when words will give way to deeds. History will not always be written with a pen.

In the backdrop of this gloom and doom, President Zardari, under American pressure, unleashed the hounds of war, turning the beautiful valley of Swat into a vale of tears. As a result of army action, millions of innocent people, men, women and children, young and old, were uprooted, rendered homeless and forced to flee. Was army action unavoidable? Was it absolutely necessary? Did the people of Swat have to pay this terrible price? And what for? All these questions remain unanswered.

“One day”, Churchill wrote, “President Roosevelt told me that he was asking publicly for suggestions about what World War II should be called. I said at once ‘the Unnecessary War’”. Today Pakistan is at war with itself. The country is tearing itself apart. Why? One thing is clear. There never was a more unnecessary war, a war more easy to stop, a war more easy to prevent, a war more difficult to justify and harder to win than that which has wrecked Swat.

Let me state clearly that the war in Swat, like the war in FATA, is not our war. It’s a proxy war imposed on us by our corrupt rulers who owe everything to Washington. It is perceived in the Pakhtun belt as Genocide, part of a sinister American plan for the mass extermination of Pakhtuns on both sides of the Durand Line.

With temperature rising, living conditions in the camps and elsewhere, fast deteriorating, the army operation has morphed into a war that is hard to win and harder to justify to the people affected by it. One thing is clear. While Pakistan army wields a large hammer, not every problem is a nail. The lesson of history is: never fight a proxy war, never deploy military means in pursuit of indeterminate ends and never use your army against your own people.

No army, no matter how strong, has ever rescued a country from internal disorder, social upheaval and chaos. Army action can never quash the insurgency in Malakand division or FATA. It can only be managed until a political solution is found. No one can be bombed into moderation. This is a false and dangerous notion. Talibans can be deterred militarily for a time but tanks, gunships and jet air craft cannot defeat deeply felt belief.

President Zardari is playing with fire and acting like Conrad’s puffing gunboat in Heart of Darkness, shelling indiscriminately at the opaque darkness. The enemy is nebulous and the battlefield is everywhere.

He has no address and no flag, wears no uniform, stages no parades, marches to his own martial music. He requires no tanks or submarines or air force. He does not fear death. As the Soviets found in Afghanistan, the enemy doesn’t fight in conventional ways, but from behind big boulders and from concealments. He doesn’t have to win. He just has to keep fighting. Asymmetrical warfare is what they call it now.

The war’s end remains far out of sight but the battle for the hearts and minds of the people seems to have gone awry. If you want to know how the displaced persons feel, go to Mardan and listen to the wretched of the earth. You will hear the thrumming, the deadly drumbeat of burgeoning anger.

## **In the Footsteps of Napoleon Bonaparte**

History has dealt the Islamic world a terrible hand. From the 13th century onward, the defining moments in the world of Islam were the Mongol invasions and the imperialist intrusion of the West and the advent of colonial dependency. It is significant how little the Western approach to the Muslim world has changed during this period. The modus operandi is the same. Praise Islam as the religion of peace and love but carry war and destruction to weak and defenseless Muslim countries if they refuse to toe the line. Praise the Holy Prophet but unleash the hounds of war against his followers, bomb innocent men, women and children, occupy their lands, change their government by force of arms and replace it with client regimes.

The new President of the United States, Barack Obama, unites within himself American and African Muslim heritages. On the day that Obama became President - elect, his paternal grandmother, Habiba Akuma Obama held a cerebation in her village. In his Cairo speech, Obama vowed to bridge the rift with Muslims, imploring Americans and the Islamic world to drop their suspicions of one another and forge new alliances.

His overture to the Islamic world reminds me of Napoleon Bonaparte. Before embarking on his Egyptian expedition, he presented himself to the Islamic world as its greatest champion and a great admirer of the Holy Prophet. On June 22, 1798, he set out to conquer Egypt, a country he described "as the first theatre of civilization in the Universe". "Soldiers", Bonaparte proclaimed, "You are going to undertake a conquest, the effect of which, upon commerce and civilization, will be incalculable. The eyes of mankind are fixed upon you.

The Mameluke Beys, who tyrannize over the unhappy inhabitants of the banks of the Nile, will no longer exist in a few days after our arrival. The people among whom you are going to live, are Mahometans: the first article of their faith is, 'there is no other god but God and Mahomet is his Prophet. Do not contradict them. Treat their Muftis and their Imams with respect'".

After establishing his headquarter at Alexandria, Bonaparte issued the following proclamation in Arabic: "In the name of God, gracious and merciful. There is no god but God; he has no son nor associate in his kingdom. "Inhabitants of Egypt! When the Beys tell you the French are come to destroy your religion, believe them not: it is an absolute falsehood. Answer these deceivers, that they are only come to rescue the rights of the poor from the hands of their tyrants, and that the French adore the Supreme Being, and honour the Prophet and his Holy Quran".

"All men are equal in the eyes of God: understanding, ingenuity, and science, alone make a difference between them. As the Beys do not possess any of these qualities, they cannot be worthy to govern the country. Yet they are the only possessors of extensive tracts of lands, beautiful female slaves, excellent horses, and magnificent places! Have they, then, received an exclusive privilege from the Almighty? If so, let them produce it. But the Supreme Being, who is just and merciful towards all mankind, wills, that, in future, none of the inhabitants in Egypt shall be prevented from attaining to the first employments, and the highest honours. The administration, which shall be conducted by persons of intelligence, talents, and foresight, will be productive of happiness and security".

"The French are true Mussulmen! Not long since they marched to Rome, and overthrew the throne of the Pope who excited the Christians against the professors of the Mahometan religion. Our friendship shall be extended to those of the inhabitants of Egypt who shall join us, as also to those who shall remain in their dwellings, and observe a strict neutrality; and, when they have seen our conduct with their own eyes, hasten to submit to us; but the dreadful punishment of death awaits those who shall take up arms for the Beys, and against us: for them there shall be no deliverance, nor shall any trace of them remain".

Accompanied by his staff and the members of the National Institute, attended also by a powerful guard, and conducted by several Muftis and Imams, Bonaparte commenced the following interesting conversation with Suluman, Ibrahim, and Mahumed, the chief Muftis.

Bonaparte. "Glory to Allah! There is no other god but God, Mahomet is his Prophet, and I am his friend"!

Suluman. "The salutation of peace to the envoy of God! Salutation to thee, also, invincible warrior, favourite of Mahomet"!

Bonaparte. "Mufti, I thank thee: the divine Quran is the delight of my soul, and the object of my contemplation. I love the Prophet, and I hope, ere long, to see and honour his tomb in the Holy City; but my mission is first to exterminate the Mamelukes".

Ibrahim. "May the angels of victory sweep the dust from thy path, and cover thee with their wings! The Mameluke has merited death".

Buonaparte. "He has been smitten and delivered over to the black angels, Monkir and Quakir. God, on whom all things depend, has ordained that his dominions shall be destroyed".

Suluman. "He has extended the hand of rapine over the land, the harvest and the horses, of Egypt".

Buonaparte. "And over the most beautiful slaves, thrice holy Mufti! Allah has withered his hand: if Egypt be his portion, let him shew the lease which God has given him of it; but God is just and merciful to his people".

Ibrahim. "Oh! most valiant among the children of Issa! (Jesus Christ) Allah has caused thee to follow the exterminating angel to deliver his land of Egypt".

Buonaparte. "Has not Mahomet said, that every man who adores God, and performs good works whatever maybe his religion, shall be saved"?

Suluman, Muhamed, Ibrahim (inclining themselves). "He has said so".

Ibrahim. "Glory to Allah and his Prophet! Who have sent thee into the midst of us to rekindle the faith of the weak, and to open to the faithful the gates of the seventh heaven"?

Buonaparte. "You have spoken my wishes, most zealous Muftis! Be faithful to Allah, the sovereign ruler of the seven marvelous heavens, and to Mahomet, his vizir, who traversed all the celestial mansions in a single night. Be the friends of the Franks, and Allah, Mahomet, and Franks, will reward you".

Ibrahim. "May the Prophet himself cause thee to sit at his left-hand, on the day of the resurrection, after the third sound of the trumpet".

Buonaparte. "The hour of political resurrection has arrived for all who groan under oppression. Muftis,

Imams, Mullahs, Dervises, and Kalenders! Instruct the people of Egypt, encourage them to join us in our labors, to complete the destruction of Beys and Mamelukes: favor the commerce of the Franks in your country and their endeavors to arrive at the ancient Land of Brama. Let them have storehouses in your ports".

Suluman (inclining himself). "Thou hast spoken like the most learned of the Mullahs. We place faith in thy words: we shall serve thy cause, and God hears us".

Buonaparte. "God is great, and his works are marvelous: the salutation of peace be upon you, Thrice Holy Muftis!"

The snake, it is said, covers its prey with saliva before devouring it. Before launching the attack on Afghanistan, President Bush visited the Islamic Centre in Washington D.C. and addressing the gathering quoted from the Holy Quran: "In the long run, evil in the extreme will be the end of those who do evil. For that they rejected the signs of Allah and held them up to ridicule"!

Obama's speech was impressive, but he delivered it in a country where an aging dictator is passing power to his son, where the country is crumbling to dust because of repression and stagnation. So words are not enough. What is needed is action, not just fine rhetoric. The Islamic world would judge Obama not by his intentions, not by his words, but by his deeds.

## Setting Waziristan Ablaze

Why doesn't our military leadership learn from history? Asked if he had considered the implications of Napoleon's Russian campaign, the General replied: "We military men make history. We don't read it". They are certainly making history on our western border by waging war against their own countrymen.

The nation is beginning to see the rapidly unfurling consequences of General Musharraf's fateful decision to join the "coalition of the coerced". Dragged into a proxy war at gunpoint, America's dreaded war on terror has indisputably arrived on Pakistan's soil. Pakistan is slipping into a Dantean hell. The belle époque days for us Pakistanis are over. Pakistanis cannot continue deluding themselves by the romantic notion that they could go on living happily and peacefully under American umbrella. Pakistan stands on the brink of civil war. A perfect storm is looming on the horizon. Fasten your seat belts. It will be quite a ride.

The irony is that far from being an autonomous power waging her own parallel war, Pakistan has been reduced to no more than a lackey. Jinnah's Pakistan, I regret to say, has ceased to be a sovereign, independent state. Today it is not just a "rentier state", not just a client state. It is a slave state with a puppet government set up by Washington.

Euripides once famously said, "Whom the Gods destroy, they first make mad". At a time when Pakistan is extremely ill-prepared for adventurism on any serious scale, with the war in Malakand still not conclusively won and over 30 lakhs internally displaced persons, men, women and children living under inhuman conditions in Mardan and Swabi, this government decided to open a second front against her own people in Waziristan. The match is lit, the blaze will soon spread like wild fire throughout the tribal area and beyond.

That is for sure. The decision to launch military operation in this highly sensitive border region, is ill-conceived, ill-advised, ill-timed, would almost certainly turn into a prolonged bloody conflict and, in time, prove a massive self-inflicted wound.

Today the killing or capturing alive of Bait ullah Mehsud has become a top priority for the Pakistan government. Anybody who knows anything about Waziristan, will tell you that looking for Baitullah or Osama in the rugged mountains is like looking for a needle in a haystack. Baitullah, the central focus

of the current American and Pakistani military operation in Waziristan, is not the first warrior to confront the administration in the mountains of Waziristan. The Faqir of Ipi led a similar revolt against the British in Waziristan in 1936. It set Waziristan on fire which lasted until after 1947. The British failed to capture Ipi and the operation had to be called off.

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

Consequently, troop movements became routine which caused resentment among the tribes. Then came the fateful decision to send troops into the Khaisora valley in November 1936 which transformed Ipi's agitation into a full scale uprising almost overnight and set Waziristan on fire.

The judgment displayed by the British and the poor intelligence upon which they based their decisions were chiefly to blame for the disasters that followed. This was the last major rebellion in Waziristan which stemmed from an abrupt change of policy. The tribesmen's unrivalled fighting record, their ability to intervene in Afghan affairs and to involve Afghans in their own affairs, were factors ignored by the British that made Waziristan different from other Frontier areas. This disastrous attempt to "pacify" Waziristan was the last of several major incursions into tribal territory during the hundred years of Britain's presence in North-West India.

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

All this has now changed. Mr. Jinnah's Waziristan policy which had stood the test of time has been reversed under American pressure. Our troops are back in Waziristan in aid of American troops looking for Bait ullah Mehsud and Osama! The result is a totally unnecessary and avoidable state of armed confrontation

between Pak army and the tribesmen. Those who know the Frontier are deeply concerned. Our civil and military leadership is playing with fire. By reversing Mr. Jinnah's Waziristan policy, at the behest of Americans, they have alienated powerful tribes in Waziristan and unsettled our western border which had remained peaceful for 62 years since the birth of Pakistan. Pakistan would be well advised to profit from the mistakes of its forerunners in Waziristan and to avoid any shift of policy which cares only for immediate advantage and takes no account of ulterior effect.

It all started when General Musharraf succumbed to a telephonic 'ultimatum' from Washington and promised 'unstinted' cooperation to the Americans in the so-called war on terror. The Afghans never stabbed us in the back when we were in trouble and at war with India. No Afghan government was as friendly to Pakistan as the Taliban government. By allowing Americans to use our territory as a platform for bombing Afghanistan, we antagonized the Afghans, especially the majority Pakhtun tribe who live in the Pakhtun belt along our border. For the first time in the history of Pakistan, a military government laid the foundation of permanent enmity with the Pakhtuns across the border. A civilian government has now compounded the problem by taking on our own tribesmen in Waziristan.

"What is to be done"? Said Voltaire. "I fear that in this world one must be either hammer or anvil, for it is indeed a lucky man who escapes the alternatives". Waziristan has been on the anvil for centuries. Mehsud and Wazir tribes living there are no strangers to foreign military interventions in their country. On each occasion the tribes and the mountains won a strategic victory, the troops were forced to withdraw back into the plains of the Indus valley. The British soon learned that you can annex land but not people.

As they say, "it is a wide road that leads to war and only a narrow path that leads home again". In the early 1900s, a crusty British General, Andrew Skeen, wrote a guide to military operations in the Pashtun Tribal belt. His first piece of advice: "When planning a military expedition into Pashtun Tribal areas, the first thing you must plan is your retreat. All expeditions into this area sooner or later end in retreat under fire". Let us hope the current expedition ends differently.

Decision-making in today's Pakistan is bizarre. Many questions swirl. Were other options available, only to be peremptorily rejected? Who decided to plunge Pakistan into a guerrilla war raising the specter of a war on two fronts dreaded by military strategists and the general public alike? Who took the final decision to open a second front in Waziristan? The President? The Prime Minister? The Cabinet? The parliament? The army? Who decides questions of war and peace in this country? In public perception, everything points to one inescapable

conclusion: that the decision to open a second front in Waziristan was not an internal decision. It was taken in response to irresistible pressure from the United States.

Pakistan is caught between a hard place and many rocks. Today we are experiencing a failure of leadership that bodes ill for the country. Nobody knows who is in command. The result is the mess we are in today.

How it will turn on the morrow? "The morrow, as always, is with the Fates". One is reminded of Stalin's angry expletive which he uttered when the German army was only a few miles from Moscow and the very survival of Soviet Union hung in the balance. "The great Lenin left us a great country", Stalin told Mikoyan, "and we, his successors, have ... up". This is precisely what we have done to the great country left behind by Jinnah.

## **The Rape of Margalla Hill National Park**

The Margalla Hill, which forms the backdrop of Islamabad, comprises 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 its myriad problems.

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. Somehow, no flat terrain, however, beautiful it may be, ever appeared so to me. I love torrents, rocks, firs, dark woods, mountains, and health permitting rough tracks to climb up and down, precipices by my side. My attitude is quite simple. In the evening of my life, I just keep walking, knowing that somewhere in the dark there is a cliff. And I don't want to see it before I fall off.

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.

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 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?

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 Margalla Hill National Park. "I have received", the Directive reads, "disturbing reports that the Margalla Hill National Park has been exposed to activities prejudicial to its preservation and are environmentally hazardous for Islamabad". Regrettably, the Directive remains mostly unimplemented. As a last resort, 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.

The biggest threat to the National Park, in my considered opinion, is the government itself. How can anyone protect or preserve the Margalla Hill when hundreds of stone crushers were installed in the heart of the Park with the full authority and blessings of government? How can anyone enforce the park laws when the game-keeper has become the poacher?

At my request, quarrying in Kalinjar and Sinyari valleys in Margalla was stopped under orders of Moin Qureshi, as caretaker Prime Minister of Pakistan. Mustafa Khar, as Minister of water and power, stopped stone crushing in Shahdara valley by simply ordering WAPDA to remove all the transformers and discontinue power supply. With the crushers gone, nature has taken over and

wild life is back in the valley.

In sharp contrast, the military regime of General Musharraf set up a Task Force to “study” the wanton destruction and decimation of Margalla around Nicholson monument. No action was taken. The report, I am told, is gathering dust somewhere. Meanwhile, the decimation and destruction of Margalla goes on round the clock, unchecked and uninterrupted.

The absence of trees in the Margalla hill hits you in the eye. Tree plantation is therefore one of our major activities. Of the thousands of trees planted by us since 1989, over 20,000 strong, sturdy, dark blue 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. Years ago, thousands of trees planted by us with the help of students of Islamabad were bulldozed and the ground leveled by 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 again and replanted the area with thousands of pine trees. The young boys and girls of Pakistan 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. Who among our leaders, will save our National Parks, our mountains, 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 rulers 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 love for this country and have no faith in its future, do not plant trees. They loot and plunder and leave behind an impoverished country and a treeless desert for posterity. These are sad thoughts, but our sweetest songs are those that tell of saddest thoughts.

The advent of the democratic regime has rekindled our hope that after years of criminal neglect, urgent steps will now be taken to protect the Margalla Hill 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. President Zardari has recently ordered an inquiry into quarrying of stones in the Margalla Hill National park, terming the activity a

severe environmental hazard. Years ago, I had brought this very problem to his notice when he was Chairperson of the Pakistan Environment Protection Council. Now that he is armed with awesome powers, he has a golden opportunity to protect the National Park. In the changed environment, the President should have no difficulty in stopping the stone-crushing activity around the Nicholson Monument.

A much bigger threat facing the National Park is the "Tunnel Project" initiated by General Musharraf in collaboration with some highly resourceful personages. It is violative of all the Park laws and is inconsistent with the park's objectives. President Zardari is requested to intervene and strike it down. Some times, once in a long while, you get a chance to serve your country. President Zardari has that chance today.

## Does Constitution Matter?

“Constitution making was a stupendous task”, Mr. Jinnah observed. “It may take 18 months or two years”.

62 years after Mr. Jinnah made this optimistic observation, Prime Minister Gillani conceded that the Constitutional system in the country “was a hotchpotch, neither parliamentary nor presidential”. It has been a 62-year journey and Pakistan has not arrived yet!

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.

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 to begin again in the changed circumstances 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.

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. 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. 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.

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 have a constitution which can be torn up, abrogated, suspended or held in abeyance, with impunity, every time the army strikes?

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".

Successive military governments have disfigured, defaced, and defiled the 1973 Constitution and changed it beyond all recognition. A written constitution makes sense only if the armed forces obey the Constitution and accept the supremacy of civilian rule without any mental reservations. It 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, with impunity, 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 army. If that is how we are going to treat our written constitution, why have a written

constitution at all? In fact, why have a constitution at all? Whither, then, are we tending?

My mind goes back to the heady days of 1973. I witnessed the birth of the 1973 Constitution from the official gallery in the National Assembly. 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, President Bhutto remarked: "The Constitution of the Islamic Republic of Pakistan is the Constitution of the people of Pakistan and they are best suited to speak for it.

The document is their property and they are best suited to protect it. 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 Zia ul 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.

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. "To such changes of human fortunes what words are adequate? Silence alone is adequate".

"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". When I raise this matter with Late Justice Dorab Patel, he said, "how do you expect five men alone, unsupported by anyone, to declare Martial Law illegal?"

Hopefully all this is now behind us. With the triumphant return of Chief Justice Iftikhar Choudhary, in honour and dignity, to the Supreme Court, on wave of popular support, the relationship amongst the three pillars of the State shifted dramatically. The nexus between the Generals and the superior judiciary has snapped. An era of deference by the Supreme Court to the Executive has given way to judicial independence, if not judicial supremacy. The Supreme Court, the

Guardian of the Constitution, has undergone a major transformation and will never be the same again. It has been baptized in the waters of public opinion. After years of subservience, it is on its feet and holding its head high. The days of subverting the constitution and treating it like a scrap of paper are over. Let there be no doubt about it. So does Constitution matter? Yes, it does.

## Where have all the Angry Youth Gone?

Margaret Mead once said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has". This was the historic role played by Muslim students in India under the dynamic leadership of Mr. Jinnah. They got together, organized themselves and changed the course of history.

I witnessed the emergence of the idea of Pakistan as a college student in the year 1940 in Lahore. Two years later, I joined Muslim university Aligarh which had by then turned into an "arsenal of Muslim India". An atmosphere of mystic frenzy prevailed all over the country. As the vanguard of the Pakistan movement, students spread out all over India. They carried Mr. Jinnah's message, mobilized the people and galvanized them into action.

The role of the student in national affairs brought back to memory the Global disruption of the 1960s when a wave of student protest produced a crisis of authority in nearly every country. Angered by what they perceived as a stagnant political status quo, students took to the streets. The entire world shook. French President Charles De Gaulle was its first casualty. He was not someone who could be easily scared.

Comparing the 1960s with the harrowing days of World War II, the former leader of the French Resistance lamented that he now lived in "mediocre" times. Soon after De Gaulle deplored his "mediocre" times, all hell broke loose. An overriding public threat emerged in France. The President now had a clear "enemy", the youth of France which he was poorly equipped to confront. "The police must clean up the streets. That is all". "Power does not retreat", the President declared. Soon self-doubt began to creep in on the ageing President. When Parisian students called a nationwide strike and were joined by factory worker across France, De Gaulle despaired that "in five days, ten years of struggle against the rottenness in the state have been lost". For the first time in his life, De Gaulle suffered from insomnia, unable to reconcile his faith in the French "spirit" with the growing manifestations of popular protest against his leadership. Humiliated and exhausted, De Gaulle resigned.

Like in the rest of the world, students in Pakistan were on the barricades in 1968. It was a time of student dreams and of student revolt aimed at toppling an authoritarian military rule. The disruption started with a single incident. In the first week of November 1968, a student was killed in a clash between the police and a crowd of Mr. Bhutto's supporters outside the Polytechnic in Rawalpindi.

The Student community reacted violently. Curfew was imposed to keep the situation under control. There were daily encounters between the police and the students in major cities resulting in civilian casualties. Every such incident further inflamed passions against Ayub, forcing him to abdicate.

Fast forward to October 2006, when a young student made history in Pakistan. He stood up in the Convention Centre on International Youth Day and told the Emperor (General Musharraf) that he had no clothes. "Mr. President, I believe that this picture of the Quaid that is hanging in this hall (points towards the large photo on the wall) and that you are standing in front of, is asking you, "General, you are only the keeper of the borders of Pakistan. Who has shown you the path to the corridors of political power"? "Mr. President", the young man continued, "You yourself said that you will take off the uniform on 31st October, yet for the 'greater good of the people', you broke your promise".

That young man displayed exemplary courage. He spoke truth to power. That was the beginning of the end for Musharraf. The party was over for him when LUMS students, the best and the brightest in the country, the cream of the student community jumped into the fray along with their faculty, and joined the protestors.

Out of such drops do squalls form? With such faint tremors do upheavals begin? A bloodless revolution, but a mighty revolution – that is what we need today.

With General Musharraf's exit, we thought we had reached the summit. Alas! The ascent of one ridge simply revealed the next daunting challenge. After two years of hard struggle, we are back to square one like Sisyphus, the Greek errant in Greek mythology whose punishment in Hades was to push up hill a huge boulder only to have it tumble down again.

Sometimes, I look back with nostalgia on the days, soon after the reinstatement of Chief Justice Iftikhar Choudhary, when I saw the clouds part to offer a glimpse of the Promised Land. I thought people of my generation were the luckiest people in the world. After being in a cage we were suddenly let free. It was like a tiger had been let go. Now I have this strange feeling that we are going back to the times I thought we had left behind. And the thought that it only takes good man to do nothing. The irony is that the fox is among the chickens but the farmer, out in the pasture, doesn't even know that he has a problem. Islamabad is preparing for another crisis. The fear of conspiracy against our hard-won independent judiciary hangs in the air. The first threats of counter revolutionary activity have already begun to appear. Attempts are being made to subvert the people's will and overturn the judicial revolution.

But where have all the angry youth gone? These days they graduate directly from college to joblessness and are forced to resort to crime, drugs and vagrancy merely to survive. Many are fleeing the country and desperately trying to escape to the false paradises of the West and the Middle East. Sadly, they have lost confidence in the country's future and the institutions that constitute its political apparatus. No wonder, they have mostly kept their distance from the arena of political conflict and aren't protesting anything, let alone absence of democracy. There is no longer a serious youth political culture in this country today. And the reason for that is because this generation does not believe in its ability to alter, or even slightly disrupt, the status quo. All you can do is face this cold reality, get a good job, and try to keep as warm as possible within the confines of your isolated, insulated home. Idealism died in this country long ago because the doctrine of "there is no alternative" killed it. We don't dream of utopias anymore. So it is no wonder that nobody, neither young nor old, is showing up to protest civilian dictatorship.

Regrettably, students today describe 1960s as almost a historical blip, a period too extreme and traumatic ever to repeat. A rather high percentage of students are not interested in politics. Many university students are clearly very utilitarian in their thinking. Everything is based on 'whether or not it is useful to me personally'. Many students support democracy, independent judiciary, Rule of law, in theory but do not want to risk their future to fight for it. They think about their personal affairs, how to get a job, how to go abroad.

Today Pakistan is very feverish and very ill. Our country is in deep, deep trouble. Jinnah's Pakistan has been hijacked by people begrimed in corruption. What is worse, they have turned a sovereign, independent country into an American colony and a 'rentier state'. The present leadership is taking Pakistan to a perilous place. The course they are on leads downhill. It appears as if we are on a phantom train that is fast gathering momentum and we cannot get off.

The ongoing struggle of the Bar and the Bench, supported by civil society, is part of an intense battle, for the resurrection of Jinnah's vision of Pakistan, playing out across the country's political and legal landscape. It is a struggle for the supremacy of the Constitution, the independence of judiciary and the fundamental question of Rule of Law or rule of man. The time has come for the youth to join this struggle and play their historic role once again. Now is the time they must stand up. Now is the time they must show up and be counted.

There is a generation of young students coming of age in Pakistan that is educated, hard working, innovative and imaginative. But too many of them are also disillusioned, betrayed, defeated and disengaged. We have a responsibility to help them to believe in themselves and in their power to shape their future

and the future of their country. Who will inspire them with that sense of possibility? Who has that passion burning within him that will unleash youth power and set the nation alight? Who will lance the poisoned carbuncle and clean the country of all the mess? You don't create such a man. You don't discover such a man. You recognize such a man.

## Supreme Court Reborn

The Supreme Court, in its landmark judgment, on Friday last, declared all the actions taken on or after November 3, 2007 by former military dictator General (R) Pervez Musharraf as unconstitutional and invalid.

How could one resist the temptation to be present on such a historic occasion? History was in the making. I was lucky enough to have witnessed, from a ringside seat in the court, the brick by brick demolition of the unconstitutional edifice erected by General Musharraf. This was the crowing event, the apotheosis of all that we had fought for. The mood around me in the court verged on ecstasy. I never thought I would live to see that day. My own overwhelming sense of triumph and happiness was mixed with relief. After all those years on the streets of Islamabad, it was over. In another sense, it had just begun.

War, according to the famous aphorism, is too important a matter to be left to the Generals. The work of the Supreme Court is similarly too significant in a country such as ours to be left only to the lawyers and law professors. It is scarcely possible to understand our history without an understanding of the part played in that history by the Supreme Court. Today the court is both a mirror and a motor – reflecting the development of the society which it serves and helping to move that society in the direction of the dominant jurisprudence of the day.

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.

In every period of political turmoil, men must, therefore, have confidence that superior judiciary, the guardian of the constitution, will be fiercely independent and will resist all attempts to subvert the constitution. It is our misfortune that from the country's first decade, our judges tried to match their constitutional ideals and legal language to the exigencies of current politics. The superior judiciary has often functioned at the behest of authority and has been used to further the interests of the rulers against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s and during the Martial Law period of the 1960s and 1970s. When the

history of these benighted times comes to be written, it will be noted that the superior judiciary had failed the country in its hour of greatest need.

In the darkest hour in the history of our country, Fate had found the man who had the character, the will and the determination to speak truth to the military dictator. Chief Justice Iftikhar Mohammad Choudhary appeared on the scene like a *deus ex machina* and changed the course of history. Had Fate not intervened, he might have retired, like any other Chief Justice, leaving behind an indifferent judicial record. But somewhere in the universe, a gear in the machinery shifted. As history shows, everyone must, from time to time, make a sacrifice on the altar of stupidity to please the deity. General Musharraf thought himself poised on the cusp of power, but was about to start sliding down a slippery slope whose end is bound to be disastrous.

When Chief Justice Iftikhar refused to resign, and decided to defend himself against the military dictator, he ignited a flame that soon engulfed the country. With that simple act of courage, he changed the course of history. The die was cast. A Rubicon crossed. Suddenly, "that uneasily dormant beast of public protest" - Musharraf's nightmare, his greatest challenge - burst forth.

The "historic encounter" between Chief Justice Iftikhar Choudhary and General Musharraf reminds me of the famous confrontation between Chief Justice Coke and King James I. The year was November 13, A.D. 1608. The King felt greatly offended when told that he was under the law. "This means", said James, "that I shall be under the law, which it is treason to affirm". "To which", replied Coke, "I said that Bracton saith, quod rex non debet esse sub homine, sed sub Deo et lege" (that the King should not be under man but under God and Law). Chief Justice Coke did not waver. He did not falter. He risked going to the Tower but he stood his ground.

The Iftikhar Choudhary court reminds me of the Marshall court in America. Marshall made the Supreme Court "a driving force" for change. Like the Marshall court, the Iftikhar Choudhary court has put it self in the vanguard of change. Marshall employed the law as a means to attain the political and economic ends that the people favored. The judge was to use his power to mould the law in accordance with the needs of the American people. Marshall moulded his decisions to accord with the "felt necessities of the time". For Marshall, as for Iftikhar Choudhary, the constitution, like law, was a tool to serve the needs of the nation.

In Pakistan, the Supreme Court's historic role has been one of subservience to military dictators. Chief Justice Iftikhar broke with the past tradition and changed all that. The nexus between the Generals and the superior judiciary has

snapped. An era of deference by the Supreme Court to the Executive has given way to judicial independence. Isn't it ironical that today the people of Pakistan, especially the poor, the disadvantaged and the voiceless, expect justice not from the parliament, not from the presidency, but from an unelected and unaccountable Supreme Court?

Today the political landscape of Pakistan is dotted with Potemkin villages. All the pillars of state, with the exception of the Supreme Court, are dysfunctional. Pakistan sits between hope and fear. Hope because "so long as there is a judiciary marked by rugged independence, the country and the citizen's civil liberties are safe even in the absence of cast iron guarantees in the constitution". As early as 1837, Tocqueville wrote, "the President may slip 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". Fear that inspite of a strong and independent judiciary, the present corrupt order will perpetuate itself because both the Presidency and the parliament are out of sync with the spirit of the times.

And what of Musharraf? "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 a short distance"? Musharraf is gone, derided by the people and thrown by them in the dust bin of history. Musharraf subverted the constitution, imposed martial law, sacked and jailed the Judges of the Superior Courts and emasculated the judiciary. He must be called to account and punished. In the words of Chief Justice Hamoodur Rahman, "May be, that on account of his holding the coercive apparatus of the state, the people and the courts are silenced temporarily, but let it be laid down firmly that... As soon as the first opportunity arises, when the coercive apparatus falls from the usurper's hands, he should be tried for high reason and suitably punished. This would serve as a deterrent to all would be adventurers". Now that coercive apparatus has fallen from Musharraf's hands, he should be tried for high reason and suitably punished. "Fiat Justitia Rual Coelum", (Let justice be done even if the heavens fall). Heaven won't fall. That is for sure. Pakistan will be Pakistan again. It will be morning once again in Pakistan.

## **August 14 - What is there to Celebrate?**

On August 14, 1947, over a century and a half of British rule in India came to an end. The Union Jack was lowered for the last time. I saw the sun set on the British Empire in the sub-continent. I witnessed its dissolution and emergence of two independent sovereign countries.

I was born in slavery. On August 14, thanks to the iron will and determination of Mr. Jinnah, I was proud citizen of a sovereign, independent country – a country I could live for and die for. It was a wondrous moment. Cheers rang out and many wept. But where are the words to convey the intoxication of that triumphal moment. It is not just that we had a great leader who seemed to embody all our hopes, all our aspirations. We had entered a new era, blissfully unaware how the pendulum of history will swing. Mr. Jinnah could not have foreseen what would happen when he passed his flaming torch into the hands of his successors or how venal those hands could be.

Many nations in the past have attempted to develop democratic institutions, only to lose them when they took their liberties and political institutions for granted, and failed to comprehend the threat posed by a powerful military establishment. Pakistan is a classic example. Born at midnight as a sovereign, independent, democratic country, today it is neither sovereign, nor independent, nor even democratic. Today it is not just a “rentier state”, not just a client state. It is a slave state, ill-led, ill-governed by a power-hungry junta and a puppet government set up by Washington.

62 years after independence, are we really free? Are the people masters in their own house? The kind of Pakistan we have today has lost its manhood and is a ghost of its former self. Our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. Today if Pakistan were to look into a mirror, it won't recognize itself. The contrast between Pakistan in 1947 – idealistic, democratic, progressive, optimistic, and Pakistan today – leaderless, rudderless, violent, besieged, corrupt, uncertain about its future – could not be sharper or more disheartening. If you want to know how a people can survive despite their government, well, visit Pakistan. What is there to celebrate? There is absolutely no reason to celebrate! But there are myriad reasons to reflect.

We lost half the country in a suicidal civil war in 1971. Like the Bourbons of France we have learned nothing and forgotten nothing. Today Pakistan is dangerously at war with itself once again. The Federation is united only by a

'rope of sand'. 62 years after independence, we have a disjointed, dysfunctional, lopsided, hybrid, artificial, political system – a non-sovereign rubber stamp parliament, a weak and ineffective Prime Minister, appointed by a powerful accidental President.

As we look back at all the squandered decades, it is sad to think that for Pakistan it has been a period of unrelieved decline and the dream has turned sour. Once we were the envy of the developing world. That is now the stuff of nostalgia. The corrupt, especially those occupying the commanding heights of power, are doing breathtakingly well, while the large mass of people is struggling hard just to keep its head above water.

What has become of the nation? Its core institutions? The militarized state has destroyed the foundations of all our political institutions. The army has been enthroned as the new elite. The level of fawning and jockeying to be merely noticed and smiled upon by any pretender in uniform speaks of a nation that is loudly pleading to be crushed underfoot. Today we feel ourselves unable to look our children in the eye, for the shame of what we did, and didn't do during the last 62 years. For the shame of what we allowed to happen? This is an eerie period, the heart of the nation appears to stop beating, while its body remains suspended in a void. Today the Supreme Court, the Guardian of the Constitution, is the only ray of hope in the darkness that surrounds us. After years of subservience, it is on its feet and holding its head high. Sadly, in spite of a strong and independent judiciary, the present corrupt order may survive because both the Presidency and the parliament are dysfunctional and out of sync with the spirit of the times.

The sovereignty of the people is a myth. To apply the adjective Sovereign to the people in Pakistan is a tragic farce. Whatever the constitutional position, in the final analysis, defacto sovereignty in Pakistan resides neither in the electorate, nor the Parliament, nor the judiciary, nor even the constitution which has superiority over all the institutions it creates. It resides, where the coercive power resides. It is '*pouvoir occulte*' which is the ultimate authority in the decision making process in Pakistan. Even when an elected government is in power, as is the case today, it is the army which is the ultimate authority in decision-making. It decides when to abrogate the constitution, when it should be held in abeyance, when an elected government should be sacked and when democracy should be given a chance.

The independence of Pakistan is a myth. By succumbing to American pressure, we managed to secure a temporary reprieve. But at what price? Today Pakistan is splattered with American fortresses, seriously compromising our internal and external sovereignty. American security personnel 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. Nuclear Pakistan has been turned into an 'American lackey', currently engaged in a proxy war against its own people.

Parliament is one of the chief instruments of our democracy. Today, it is cowed, timid, a virtual paralytic, over-paid and under-employed. Parliamentary membership is the key to material success, a passport and a license to loot and plunder. No wonder, it is not a check on the arbitrariness of the executive and nobody takes it seriously. Today it is the weakest of the three pillars of state. It has suffered a steady diminution of power and prestige. Its image is tarnished and has been turned into a fig-leaf for unconstitutional and illegal practices.

To no nation has fate been more malignant than to Pakistan. With few exceptions, Pakistan has long been saddled with poor, even malevolent, leadership: predatory kleptocrats, military dictators, political illiterates and carpet-baggers. With all her shortcomings, Benazir Bhutto had undoubted leadership qualities – charisma, courage, political acumen and articulation. After her tragic assassination, Mr. Zardari's sudden ascension to the Presidency caused panic among the people. God help us all! "In a President character is everything", Peggy Noonan wrote in her assessment of Ronald Reagan. "A President does not have to be brilliant. Harry Truman was not brilliant and he helped save Western Europe from Stalin. He does not have to be clever, you can hire clever... but you cannot rent a strong moral sense. You can't acquire it in the presidency. You carry it with you". If a President has credibility, if he is believable, if he has integrity, nothing else matters. If he has no integrity, if he has no credibility, if there is a gap between what he says and what he does, nothing else matters and he cannot govern.

Today we need a leader who has the vision, the skill, and the courage to pull Pakistan together as one nation and inspire the people. We need a President whose hands are clean and has the capability to steer the ship of state through the rockiest shoals our country has ever known. Our nation has the heart of a lion. But who is there to give it the roar? Pakistan is not a case of failed state. It is a case of failed leadership. Today failure is the most often heard expression in Pakistan. Some say we are at the last quarter of an hour.

"These are times that try men's souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman". It is not enough to sit back and let history slowly evolve. To settle back into your cold-hearted acceptance of

the status quo is not an option.

The present leadership is taking Pakistan to a perilous place. The course they are on leads downhill. This is a delicate time, full of hope and trepidation in equal measure. Today it is a political and moral imperative for all patriotic Pakistanis to fight for our core values, to resist foreign intervention in our internal affairs and to destroy the roots of evil that afflicts Pakistan. That is the best way to celebrate August 14.

## In Defence of Kamran Khan

*"I disagree completely with what you say, but I will defend to the death your right to say it" (Voltaire)*

Kamran Khan, one of the country's best investigative journalists, has incurred the wrath of the Minister for Labour who wants a parliamentary committee to be set up to look into the 'matter' and a 'shut-up' call given to Kamran. What provoked the ministerial outburst is a story appearing in this newspaper pointing to corruption in the Employees old-age Benefit institution. That such outburst of anger was inappropriate hardly needs saying.

The minister has over-reacted. Kamran Khan was only doing his duty. Independent media, the world over, serves as a watchdog to challenge and expose even the richest and most powerful holders of public office in the country. It digs up shady deals involving holders of public office and publicizes the result for the enlightenment of the people. Media is a check on the arbitrariness, illegalities and excesses of the executive in all democratic countries.

The press is, par excellence, the democratic weapon of freedom. News allows people to judge for themselves whether the people they voted into office merit their trust. Honest news is essential to ensuring that people know what their soldiers are doing in Waziristan as much as what their politicians are doing in their boudoirs. News, independently gathered and impartially conveyed, is an indispensable commodity in a society where the people rule themselves. Without the free circulation of news, there could be no free press and without a free press, there can be no free democracy. As Rebecca West put it, people need news for the same reason they need eyes – to see where they are going.

The duty of a journalist, the legendary Delane of the London Times wrote long ago, "was to obtain the earliest and most correct intelligence of the events of the times, and instantly, by disclosing them, to make them the common property of the nation". The article went on, in words engraved on the heart of every young journalist: "The press lives by disclosures. We are bound to tell the truth as we find it, without fear of consequences – to lend no convenient shelter to high-level corruption or acts of injustice and oppression, but to consign them at once to the judgment of the world".

On the eve of the Crimean War, the Tsar was astonished to read in the Times that the British government was sending him an ultimatum, which owing to some accident to the official courier had not yet reached St. Petersburg. As the political

crisis deepened, Queen Victoria was even more furious to read in the Times, a verbatim account of her private audience with Lord Grandwille after he had turned down her invitation to become Prime Minister. "Who am I to trust?" The Queen wailed. "These were my very own words". No one thought of asking Delane to shut up. No one thought of taking Delane to court or taking any other action against him.

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

After the unfortunate ministerial outburst over the publication of Kamran Khan's story, the freedom of the press, it appears, is once again in jeopardy. It is de ja vou all over again. It reminds me of the "night of broken glass" in Islamabad. On that day, General Musharraf declared war on the freedom of the press.

About two dozen storm troopers of the Punjab police were unleashed to attack and ransack the offices of Geo TV channel in an effort to stop the channel from airing live pictures of police brutality against protesting lawyers. They smashed the windows, leaving the rooms covered in a deep layer of broken glass - a grim reminder of the 'Reich Crystal Night' on 9-10 November 1938 in Nazi Germany. Like any true Pakistani, I felt ashamed and blushed to see the Geo office ransacked and its staff terrorized for doing nothing more than telecasting vital information.

If government is to be valued because it is accountable to the people, free and independent news media are essential to that process. That is why Thomas Jefferson, the primary drafter of the American Declaration of Independence, insisted that the U.S. Constitution include the public's right to free speech, a free press, and public assembly. "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter," he wrote in 1787.

That is not to say that the newspapers were kind to him when he became the President. He had his share of embarrassing exposés. But Jefferson remained steadfast in supporting even painful scrutiny by the media, because he recognized that without such accountability and unfettered flow of ideas, a nation's creative growth is stunted and its people are not free.

The freest and fairest societies are not only those with independent judiciaries, but those with an independent press that works day and night to keep government accountable by publishing what the government might not want the public to know.

Somebody — was it Burke? — called journalism the Fourth Estate. The First Estate consisted of three hundred clergy. The Second Estate, three hundred nobles. The Third Estate, six hundred commoners. Some years later, after the French Revolution, Edmund Burke, looking up at the Press Gallery of the House of Commons, said, 'Yonder sits the Fourth Estate, and they are more important than them all.' "The Lords Temporal say nothing", Oscar Wilde wrote, "the Lords Spiritual have nothing to say, and the House of Commons has nothing to say and says it. At the present moment the Fourth Estate is the only Estate"! Today the Fourth Estate is the mighty trumpet of the Zeitgeist in Pakistan. Rulers in 'democratic' Pakistan must realize they challenge the Fourth Estate at their peril.

No authoritarian ruler can afford an independent media or an independent judiciary. Without a vibrant media, as we have today, General Musharraf would still be ruling Pakistan. Without a fearless, independent media, as we have today, there would have been no judicial revolution in Pakistan and no restoration of deposed Chief Justice Iftikhar Choudhary. Therefore, whoever would overthrow the liberty of the nation, must begin by subduing the freedom of the press. The first warning shot has been fired. The first threat to independent media has begun to appear. The shut-up call addressed to Kamran Khan from the floor of the Parliament is ominous.

Truth will not be long incoming and everything will be discovered. Because the interests involved are too great and the men who wish to stifle the truth are too powerful, truth may not be known for sometime. But there is no doubt that sooner or later, perhaps sooner than later, every bit of it without exception will be divulged.

The independence of the Fourth Estate is now a fact of life and cannot be reversed. '*La verite en marche*'.

Truth is on the march, and nothing can stop it. No one can prevent the truth from continuing its onward march. The first step has been taken. Another will follow, then another, and then the final step will be taken.

It is a mathematical certainty. Truth shall win. Justice shall reign at last. And the men in high positions who are combating the truth and stifle it, will find to their

dismay that as the great Greek poet Euripides said,

“Quo vult perdere Jupiter dementat”. Jupiter drives to madness those whose downfall he desires.

Tailpiece: On August 14, the Federal capital was bedecked with ruling party flags and pictures of its leaders.

Alas! Pakistan flags and pictures of Mr. Jinnah were conspicuous by their absence. Why?

## **The Trumpet Summons us Again**

“Power corrupts. Absolute power corrupt absolutely”. Friderick Von Gentz, Metternich’s advisor, once described the position of the Tsar as follows: “None of the obstacles that restrain and thwart the other sovereigns – divided authority, constitutional forms, public opinion, etc – exists for the Emperor of Russia.

What he dreams of at night, he can carry out in the morning”. General Musharraf exercised, more or less, similar powers in Pakistan. Absolute power, unrestrained by law, must make people mad. How else can we explain Musharraf’s imposition of martial law for the second time and the disastrous action he took against Chief Justice Iftikhar Mohammad Choudhary and other Judges of the Supreme Court?

We lost our independence and sovereignty on General Musharraf’s watch when he capitulated, said yes to all the seven demands presented to him, as an ultimatum, by Colin Powell, the US Secretary of State. No self-respecting, sovereign, independent country, no matter how small or weak, could have accepted such humiliating demands with such alacrity. General Musharraf executed a U-turn, disowned the Talibans and promised “unstinted” cooperation to President Bush in his war against Afghanistan. Pakistan joined the “coalition of the coerced”. There were no cheering crowds in the streets of Pakistan to applaud Musharraf’s decision to facilitate American bombing of Afghanistan from US bases on Pakistan soil. Musharraf had to choose between saying No to the American Dictat and shame. He chose the latter and opted for collaboration. Thus began Pakistan’s slide into disaster.

We were a nation founded on laws and rules. What Musharraf has done is essentially to throw away the rule book and say that there are some people who are beyond the constitution, beyond the law, beyond scrutiny, totally unaccountable. People are filled with anger and angst. If you believe in democracy and rule of law and sovereignty of the people, you would not be anything other than angry, living in the current day and age.

Today Pakistan has turned cynical and has jettisoned the last vestiges of idealism on which the people had hoped the nation’s polity would be based. Of course, some people are happy under the present corrupt system. The rich are getting richer. For the rest, life is nasty, brutish and short. It is like an open prison. You get complacent because of the comfort. They give you just enough to make you happy.

History will doubtless charge General Musharraf with a number of sins of omission and commission and its judgment will be harsh. On the central accusation – that he toppled an elected government, arrested the Prime Minister, suspended the constitution, assaulted the Supreme Court and detained the Judges – all grave offenses punishable with death - he will be held guilty. Removing an elected Prime Minister from office is a decision that belongs to the people of Pakistan, not an ambitious army General.

Should the dictator with blood on his hands get off while ordinary people guilty of petty crimes are sent to prison? Is General (Retd.) Musharraf still above the law? Is he still above the Constitution? Does he still enjoy immunity from prosecution? Who gave him the authority to assault the Supreme Court, the sanctum sanctorum, and arrest and incarcerate the Judges of the superior judiciary? Who gave him the license to decimate, defile, disfigure and subvert the Constitution of Pakistan? Who gave him the authority to derail the political process, and arrest an elected Prime Minister? Is he so powerful that the arm of law can't reach his neck even though the coercive power has dropped from his hands?

Those who resist Musharraf's trial, those who resist the Rule of Law, those who resist the judicial revolution, are counterrevolutionaries. We must throw them out of the Temple. Citizens! You have Quislings, fifth columnists, foreign agents and traitors in your bosom. Without them General (Retd.) Musharraf would have got his just deserts long ago. He must be tried and punished that the country must live. Pakistan can never be a State of Law if it failed to try and punish Musharraf. "The Tree of Liberty", Jefferson famously said, "must be refreshed from time to time with the blood of tyrants". For us that time has come.

Isn't it a great tragedy that at a time like this, parliament, one of the chief instruments of our democracy, is cowed, timid, a virtual paralytic, over-paid, under-employed? I have never seen a parliament so impotent, so clearly left without a shot in the locker. It has left the people under no illusion that it will ever pass a resolution directing the government to initiate the case for the trial and punishment of General (Retd.) Musharraf under article 6 of the Constitution. The PPP majority, often complicit in some of the General's worst crimes, is so committed to protecting him that little action can be expected from it. That leaves us with the Supreme Court and the people of Pakistan. Both are way ahead of the parliament and the Presidency.

Today the nation is clearly at a fork in the road. We can follow the line of least resistance, turn a blind eye to all the crimes Musharraf has committed and continue to follow the road that has led us to where we are today. Or we can choose the other road. We don't need pitchforks and guns. If parliament is

unable or unwilling to respond to public demands and declines to take action against Musharraf in accordance with law, people will, perforce, take the issue to the Parliament of Man, the parliament of the streets, as they have done in the past.

When politics or politicians fail to resolve or even to address the great issues people face, what often happens is that civil society rises up to change politics. Historians call such moments “great awakenings” which often lead to big changes in society. Today Pakistan may be on the edge of such a time once again with a younger generation of lawyers and civil society as its cutting edge, ready to face the challenges and issues that weigh so heavily on this great country.

The political momentum now rests entirely with the “Black Coats”, the civil society and like-minded political parties. They can smell the march of their own power. At last, people have found their life mission, something to fight for, something to die for: fight dictatorship, military or civilian. They have also found the tool to achieve this mammoth task: street demonstrations.

In the backdrop of such events, “President Zardari’s” aura has crumbled. His star is already burning out, but he will stop at nothing to keep his lock on power. It seems that in the death throes of his regime, Zardari will take Pakistan with him. As his fortunes wane, Prime Minister Nawaz Sharif’s star glows brighter and brighter. He has a rendezvous with destiny to carry the revolution triggered by Chief Justice Iftikhar Choudhary to its logical conclusion. Nawaz Sharif knows he is on a winning streak, but he also knows that there are major battles to be fought and won. The need for continued show of popular backing is, therefore, as urgent as before. The only way to ensure victory is to wield the weapon which has brought the anti-Musharraf movement thus far: peaceful demonstrations, rallies and marches.

“If the individual and the situation meet”, Willy Brandt told Oriana Fallaci, “then the machinery is set off by which history takes one direction instead of another”. The situation and the individual may soon meet with unpredictable consequences. Nawaz Sharif has caught the flavor of the moment. He has a shrewd sense of timing. Zardari’s government is wobbling. His administration is paralyzed and is lying prostrate in the boulevards of Islamabad. Faith in his leadership is slipping away like an avalanche. He is losing political capital by the hour. His power is oozing away. As his fortunes wane, Nawaz Sharif’s star glows brighter and brighter.

As luck would have it, the Supreme Court, the Guardian of the Constitution, has fallen out of love with dictators, elected or unelected. Today it stands erect and is jealously guarding the Constitution and liberties of the citizens. “Before parting

with the judgment”, the Supreme Court noted in its judgment of July 31, 2009, “we would like to reiterate that to defend, protect and uphold the constitution is the sacred function of the Supreme Court”. In exercise of this function, the Supreme Court may issue a writ of Mandamus directing the government to initiate action under the law against Musharraf. The struggle to try and punish Musharraf has reached a moment of truth for all the pillars of state.

Otto von Bismarck once said that political genius entailed hearing the hoofbeat of history, then rising to catch the galloping horseman by the coattails. Today Nawaz Sharif is acknowledged leader of a mainstream political party and has a decisive role to play in the critical days ahead. The voice of history beckons him.

Will he “seize the moment”? Will he “seize the hour”? Will he respond to the challenge or continue to prevaricate and stay on the fence? That is the question. On that would depend the future course of events in Pakistan?

## **The American Threat**

Islamabad is a very good example of a place where everyone knows the truth, but everyone is afraid to say it out loud. Knowledge is not the issue today, it is saying it out loud. This government treats truth as an insignificant value which can be readily sacrificed to the will of power. The governing principle is: don't tell the truth. Keep the people in the dark.

Citizens! We are betrayed. Nuclear Pakistan has lost its independence. It is now virtually an American satellite sans its manhood, its honour, its dignity, and its sense of self-respect. If you want to know what happens to an ill-led and ill-governed, small country which, under the leadership of its corrupt rulers who owe everything to Washington, attaches itself to a powerful country like the United States, visit Pakistan.

With the full knowledge and approval of our government, American predators and ground forces strike wherever they like and kill innocent men, women and children in our tribal territory. With the targets now spreading, an expanding US role inside Pakistan may be more than anyone can stomach. The anger level in the country is reaching a dangerous level.

The virtual collapse of state machinery and abdication of authority in Pakistan reminds me of the Twilight of the Mughals. "The symptoms of social collapse are progressive decline in standards of conduct, public and private, and the superiority of the centrifugal over centripetal forces. When the administrative machinery breaks down, law and order is the first casualty. And when respect for law and authority declines, the devil of force leaps into its place as the only possible substitute and in the struggle that ensues every standard of conduct and decency is progressively discarded. Sometimes synthesis takes place from within; sometimes it is imposed from without. If the original breakdown of authority is caused by a ferment of ideas, a genuine revolution like the French may result. If it is simply due to the decrepitude of authority, the solution is the substitution of a fresh authority, but whether that substitute is external or internal depends upon local circumstances". This is apt description of present day Pakistan. And it is scary.

"The single greatest threat to (Pakistan)", Obama said recently, "comes from Al Qaeda and their extremists allies". This is not true. All our major problems, including terrorism, stem from the American invasion and occupation of Afghanistan. It has turned our tribal area into a protracted ulcer, a quagmire - a

place where Pakistan is spending blood and treasure to protect American interests.

"The United States", Obama said, "has great respect for the Pakistani people". Bombing our villages and killing innocent men, women and children, Mr. President, is no way of expressing friendship or earning the respect of our people. Who says we are friends? There can be no friendship between the strong and the weak. There can be no friendship between unequals, neither in private life nor in public life. "The strong do what they can", the Athenians told the intractable Melians, "and the weak must suffer what they must". This is where Pakistan stands today. With the help of power-hungry Generals, like Musharraf, and corrupt civilians now in power, Americans have turned independent, sovereign, proud Pakistan into a "pseudo - Republic" and a "rentier state" and allowed venal dictatorship to take root. Angry. So very, very angry. Unable to speak due to mega-anger washing over every pore and fiber of my being. My anger at the people in power today is not blind rant. It is a righteous, concentrated stream of anger.

The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American Republic cautioned that "an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter". "It is folly in one nation", George Washington observed, "to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character". No truer words have been spoken on the subject. Pakistan is paying and will continue to pay a very heavy price for the folly of attaching itself to America.

This is the bleakest era in the history of Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. It is no longer a democratic country. Today Pakistan is splattered with American fortresses, seriously compromising our internal and external sovereignty. People don't feel safe in their own country because any citizen can be picked up by FBI agents in collusion with our government and smuggled out of the country, making a mockery of our independence and sovereignty. To apply the adjective sovereign to the people in today's Pakistan is a tragic farce. American military personnel cross and re-cross our border without let or hindrance. They violate our air space with impunity and kill innocent men, women and children. Everyday I ask myself the same question: How can this be happening in Pakistan? How can people like Zardari be incharge of our country? If I didn't see it with my own eyes, I'd think I was having a hallucination.

In the backdrop of this grim situation, American marines are pouring into Pakistan, unchecked and unchallenged, in pursuance of their neo-colonial designs, America has set up bases and fortresses scattered across our country. Why is United States acquiring Pearl Continental Hotel in Peshawar? Why is it acquiring hundreds of houses in all our major cities including Islamabad? What is all this in aid of?

Today Pakistan is virtually under American occupation. Its presence in Pakistan is large, unwelcome and highly disruptive. America has disrupted the solemn agreement between Mr. Jinnah and the tribesmen in FATA, and in the process it has destabilized the area. Americans have granted themselves leave to chase their elusive enemies in Pakistan territory. Our so-called democratic rulers have allowed them to bomb our tribal area, an intrusion no patriotic citizen can tolerate for long.

America, for all of its nascent idealism, began as an instance of brutal European imperialism, with the extermination of indigenous peoples and the enslavements of Africans. The invasion of Iraq and Afghanistan were, therefore, not isolated episodes. They were the culmination of 110 - year period during which Americans overthrew 14 governments for various ideological, political and economic reasons. The first foreign leader to be overthrown (January 1893) was Queen Liliuokalani of Hawaii.

In Puerto Rico, Americans crushed the elected government of Louis Munoz Rivera in 1898 after he had held power for just 8 days. In Philippines, American fought poorly armed Philipino rebels in a war of resistance which lasted for three and half years. More than 4000 Americans and 35000 Philipinos were killed. President Jose Zelaya was the most formidable leader Nicaragua ever had. His attempts to regulate American mining companies, and his insistence on seeking loans from European rather than American banks, led the United States to overthrow him in 1909.

In 1911, Miguel Davilla of Honduras was overthrown in an operation staged jointly by the United States Navy and a band of rebels led by the American mercenary Lee Christmas.

The CIA staged its first coup in Iran, when Prime Minister Mohammad Mossadegh nationalized his country's oil industry. Mobs paid by the CIA rampaged through Tehran in the summer of 1953. Mossadegh surrendered. "I owe my throne to God, my people, my army - and to you"! A grateful Reza Shah told Kemit Roosevelt, the CIA operator, who had masterminded the coup.

When President Ngo Dinh Diem of South Vietnam refused to promise the Americans that he would not negotiate with communist – led insurgents, he was overthrown six weeks after his meeting with McNamara and Lodge and was killed.

President Salvador Allende of Chile was overthrown in an American-sponsored coup. Secretary of State Henry Kissinger met afterward with the country's new leader, General Augusto Pinochet.

These are just a few examples of the most direct form of American intervention – the overthrow of foreign governments – a seemingly unending process which continues till today. Pakistan, it appears, is next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated.

Why is there no public outrage? Why is the opposition keeping so quiet? Why this conspiracy of silence?

One thing is clear. Today the true guardians of Pakistan are the people of Pakistan. People power alone can save Pakistan. Time and again – in 1789, 1848, 1871, and 1968, to name only the most historic years – mass protests have kicked out foreign intruders and their agents. Our rulers and their masters in Washington know that the street is all they have to fear. Confronting them has now become a patriotic duty. Today there is no other path for our country, but the one, which led to the restoration of Chief Justice Iftikhar Choudhary.

## **The Role of the Supreme Court**

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.

It is our misfortune that from the country's first decade, our judges tried to match their constitutional ideals and legal language to the exigencies of current politics. The superior judiciary has often functioned at the behest of authority and has been used to further the interests of the rulers against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s and during the Martial Law period of the 1960s and 1970s. When the history of these benighted times comes to be written, it will be noted that the superior judiciary had failed the country in its hour of greatest need. Chief Justice Iftikhar broke with past tradition and changed all that. The nexus between the Generals and the superior judiciary has snapped. An era of deference by the Supreme Court to the Executive has given way to judicial independence.

In the darkest hour in the history of our country, Fate had found the man who had the character, the will and determination to speak truth to the military dictator. Chief Justice Iftikhar Mohammad Choudhary appeared on the scene like a *deus ex machina* and changed the course of history. Somewhere in the universe, a gear in the machinery shifted. As history shows, everyone must, from time to time, make a sacrifice on the altar of stupidity to please the deity. General Musharraf thought himself poised on the cusp of power, but was about to start sliding down a slippery slope and land in the dustbin of history.

One of the lessons of history is that when people lose faith in their rulers, when rulers lose their credibility and integrity, when they renege on their promises, when their veracity is shattered, and when hunger and anger come together, people sooner or later, come out on the road and demonstrate Lenin's maxim that in such situations, voting with citizen's feet is more effective than voting in elections. That is what happened on March 15, 2007. People everywhere in

Pakistan took to the roads and set out on the historic long march to Islamabad. The world witnessed the “power of the powerless”. March 15 was the answer that led those, who have been told for so long by so many to be cynical and fearful and doubtful about what we can achieve, to put their hand on the arc of history and bend it once more toward the hope of a better day. Today, thanks to Chief Justice Iftikhar Choudhary, the “black coats”, the media and the civil society, hope is sweeping Pakistan.

Even revolutions have a “morning after”. The euphoria following the restoration of Chief Justice Iftikhar Choudhary and other deposed Judges soon gave way to the sobriety of the morning after. Today disillusion is fast setting in. People are getting impatient and are asking questions. The poor, the disadvantaged and the voiceless believe the reborn Supreme Court is on their side and expect redressal of their grievances, not from the parliament, not from the presidency, not from the Prime Minister, but from an unelected and unaccountable Supreme Court!

What they don’t realize is that the power of the Supreme Court is limited. The Presidency and the rubber-stamp Parliament are not in harmony with the spirit of the times. Mr. Zardari has lost the “mandate of heaven” and is leading this country to a perilous place. Prime Minister Yousuf Raza Gillani is a mere figurehead and exercises only delegated authority. The President, the Prime Minister and the Supreme Court are not on the same wavelength at a time when a revolutionary change, both political and economic, is not only needed but would appear to be inevitable.

The Supreme Court is under the constitution but “the Constitution is what the judges say it is”. This gives the Supreme Court awesome power but that power is limited by the doctrine of the separation of power enshrined in the Constitution. The court has the power to decide what the law is but it cannot make law. That power vests in the legislature. It can invalidate any law. It can strike down any law as being void or unconstitutional but it cannot legislate. It can mete out justice but it has to be justice in accordance with law. Not otherwise.

On September 29, 2005, John Roberts was sworn in as the Chief Justice of the Supreme Court of America. At one point in the confirmation hearings he was asked, “Are you going to be on the side of the little guy”? Roberts replied: “if the constitution says that the little guy should win, the little guy is going to win in court before me. But if the constitution says that the big guy should win, well, then the big guy is going to win, because my obligation is to the constitution”. The Supreme Court would perhaps endorse these views.

It would, therefore, be naïve to depend on the Supreme Court alone to defend the rights of poor people, women, minorities, workers and peasants, and

dissenters of all kinds. These rights only come alive when citizens organize, protest, demonstrate, strike, boycott, rebel, and violate the law in order to uphold justice.

The American constitution gave no rights to working people: no right to work less than 12 hours a day, no right to a living wage, no right to save working conditions. No right to treatment by a doctor when in need. No right to take time off to mourn a death or to celebrate a new birth. No right to a place to live. The Supreme Court was helpless. Workers had to organize, go on strike, and defy the law, the courts, and the police to create a great movement to win an 8-hour workday, and cause such commotion that Congress was forced to pass a minimum wage law, social security, and unemployment insurance.

Women's right to abortion did not depend on the Supreme Court decision in Roe vs Wade. It was won before that decision by grassroots agitation that forced states to recognize the right. The rights of working people, women, and black people have not depended on decisions of the courts. Like the other branches of the political system, the courts have recognized these rights only after citizens have engaged in direct action powerful enough to win these rights for themselves.

Our culture – our history, the media, the educational system – tries to crowd out of our political consciousness everything except who will be elected MNA or MPA as if these were the most important decisions we make. They are not. They deflect us from the most important job citizens have, which is to energize democracy by organizing, protesting, sharing of information, and engaging in acts of civil disobedience that shakeup the system.

No Supreme Court can stop the war in FATA or abolish poverty or educated unemployment or redistribute the wealth of this country or establish free medical care for every citizen or provide roti, kapra makaan promised by Prime Minister Zulfikar Ali Bhutto long ago. These revolutionary changes depend on the actions of an aroused citizenry. A bloodless revolution, but a mighty revolution – that is what we need today.

Much water has gone down the Indus since March 9, 2007. Today the good news is that General Musharraf has been hounded out of office and thrown into the dustbin of history. The bad news is that Mr. Asif Ali Zardari, his “democratic” successor, seems to have entered into a Faustian bargain with the Americans to pursue their agenda with disastrous consequences for the country. What can the Supreme Court do? That is the question. God protect us all.

## **La Patrie en Danger. Time to Speak**

Every once in a while I feel despair over the plight of the country in the sense that we are hurtling toward catastrophe but nobody wants to hear about it or do anything to avert it. For years I have been ranting like Nietzsche's fool with a lantern: It is coming. It is coming. I do not know where and how. We stand on a volcano. We feel it tremble, we hear it roar, how and when and where it will burst, and who will be destroyed by its eruption, it is beyond the ken of mortals to discern.

Our country is in deep, deep trouble. The people must understand the full extent of the danger which threatens the country. Today say Pakistan and what comes to mind: Anarchy from within, irresistible pressure from without, a country cracking up under American pressure, a proxy war, American military intervention, pervasive fear and frequent bomb explosions. No country can survive when its dream spill over; when its rulers seem more concerned about perpetuating themselves and protecting their power and their ill-gotten wealth than protecting the country and its people.

The American footprint in our country is growing larger and heavier by the day. Nuclear Pakistan is now an American colony and is used as a doormat on which the US can wipe its bloodstained boots. American military personnel cross and re-cross our border without let or hindrance. Their drones violate our air space with the agreement of our government and kill innocent men, women and children. No questions asked. No public outrage. No protest demonstrations. No self-respecting country, big or small, would tolerate such intrusions. "You may come to the moment", Churchill said, "When you will have to fight with all the odds against you and only a precarious chance of survival. You may have to fight when there is no hope of victory, because it is better to perish than live as slaves". For us that moment has come.

Farewell our dreams, our sublime illusions, our hopes, our independence and our sovereignty. Today the survival of the country, its hard-won democracy, its independent judiciary, its liberties all are on the line. No one is safe, and perhaps no place on earth more closely resembles Hobbes's description of a state of nature in which life is "nasty, brutish and short".

Today Pakistan is rudderless and sliding into darkness. It is like a nightmare in which you foresee all the horrible things which are going to happen and can't

stretch out your hand to prevent them. Such is the feeling conjured up by corrupt, inept rulers of Pakistan as it enters a period of great uncertainty and sinks deeper and deeper into the quagmire. I reproduce below some lines, relevant to our situation today, 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.*

Isn't it a great tragedy that at a time when statesmanship of a very high order is the need of the hour, the fate of 170 million Pakistanis is in the hands of Mr. Zardari and hordes of weak-kneed triflers, mountebanks and charlatans begrimed with corruption? Were politics in our country burdened with such notions as shame, integrity, accountability, Rule of Law, independent judiciary, and last but not least, inviolability and supremacy of the constitution, all of them including Musharraf, would be in jail today.

"These are times that try men's souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman". We live in a beautiful country, but robber barons – people who have no respect for our independence, our freedom, our institutions have taken it over.

A testing time, critical to his Presidency, is now upon Mr. Zardari. He has been weighed in the balance and found wanting. Today the only person in Islamabad willing to defend him is no other than Zardari himself. He alone is responsible for the mess we are in today because it is he who drives the train. He is aware that his good star has finally deserted him. The Goddess of Destiny has made up her mind. Destiny has trapped him at last. If Zardari left tomorrow, it would be morning once again in Pakistan.

Here in Islamabad there is nothing but the nauseating stench of resignation. With everyday passing, the tide of hope recedes, revealing the unpleasant mud that the souls of slaves are made of. Is it our destiny that there must always be darkness at high noon, there must always be a line of shadow against the sun?

We need people who will stand up and say: Enough! Enough! This is not acceptable in the 21st century. Why is the better sort of the nation so silent today? Why have the intellectuals adopted 'the genre of silence'? Why is there no public outrage? Why is there no loud protest? "Where are the men to be found who will dare to speak up", as Voltaire said. The creative intellectuals have been driven to ramshackle ivory towers or bought off. Show me an educated man with a silver spoon in Pakistan today, and I will show you a man without a spine. So when will somebody pose a finger at Zardari and say: "J'accuse".

It is time to wakeup. Let Pakistan be Pakistan again. Let it be the dream it used to be – a dream that is almost dead today. All those who see the perils of the future must draw together and take resolute measures to put Pakistan back on the rails before Tsunami catches up and hits us all. The longer we allow the waters to rise, the greater the catastrophe that will follow the bursting of the dam. Our window of opportunity is getting narrower and narrow by the day. It will, no doubt, be an uphill struggle to redeem our democracy and fashion it once again into a vessel to be proud of.

At a time like this, people detest those who remain passive, who keep silent and love only those who fight, who dare. In this transcendent struggle, neutrality is not an option. You're either with the people or against them. It is as simple as that. One thing is clear. The day is not far off when status quo will shift, corrupt, inept rulers will get their just deserts, and people will once again believe in the "power of the powerless".

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. I am a short – term pessimist but a long – term optimist. I have this palpable feeling that the Maoist prescription – things have to get worse before they could get better – is being tested in Pakistan today.

The view from the presidency, however, is clearly rosier than from where most Pakistanis sit. From my perspective, this is the darkest moment in our history. I know that an unusual agitation is pervading the people, but what it will exactly result in, I am unable to say. "I can detect the near approach of the storm. I can hear the moaning of the hurricane, but I can't say when or where it will break forth". How will this crisis pan out? Either this is a cyclical crisis in the system and it will soon resolve itself, or else it is a crisis of the system and we will soon witness the passage of one epoch to another.

## Lessons of History Forgotten

On Saturday last, the army launched an operation, code-named Rah-i-Nijat against Mehsud strong holds in South Waziristan. "Both air and ground troops are taking part", Major General Athar Abbas, Chief of the Inter-Services Public Relation told the journalists. Earlier Army Chief, General Kayani, briefed the political leadership on the "imperative" of the operation against the Mehsuds. The die is cast. An invisible Rubicon crossed.

With this operation Pakistan is launched on the path to a protracted, inconclusive war in the mountains of Waziristan. The decision to commit our forces to such a war is, in my view, a tragic error. Waziristan may not be Vietnam but it has its own river of history that General Kayani is now stepping into.

Once again, there is a dry wind blowing throughout Waziristan and parched grasses wait the spark. Now that the match is lit, the blaze may spread like wild fire throughout the tribal area. Talking about Waziristan, a Mehsud tribesman told a missionary doctor at Bannu: "When God created the world there were a lot of stones and rocks and other lumber left over which were all dumped down on this frontier".

In the early 1900s, a crusty British General, Andrew Skeen, wrote a guide to military operation in Waziristan. His first piece of advice: "When planning a military expedition into Pashtun Tribal areas, the first thing you must plan is your retreat. All expeditions into this area sooner or later end in retreat under fire".

The British decision to send troops into the Khaisora valley in November 1936 which transformed Ipi's agitation into a full scale uprising almost over night and set Waziristan on fire which lasted until after 1947. The British failed to capture Ipi and the campaign had to be called off. The judgment displayed by the British and the poor intelligence upon which they based their decisions were chiefly to blame for the disasters that followed. This was the last major rebellion in Waziristan which stemmed from an abrupt change of policy.

The tribesman's unrivalled fighting record, their ability to intervene in Afghan affairs and to involve Afghans in their own affairs, were factors ignored by the British that made Waziristan different from other Frontier areas. This disastrous attempt to "pacify" Waziristan was the last of several major incursions into tribal territory during the hundred years of Britain's presence in North-West India. On

each occasion the tribes and the mountains won a strategic victory, despite local tactical reverses, and the bulk of the Indian troops were forced to withdraw back into the plains of the Indus valley. The British soon learned that you can annex land but not people.

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

All this has now changed. Mr. Jinnah’s Waziristan policy which had stood the test of time has been reversed. Our troops are back in Waziristan. Some time back, the commander of the US led troops in Afghanistan, Lieutenant General David Borno, let the cat out of the bag when he said that US and Pakistani forces were working together like “hammer and anvil” to trap Osama and Al Qaeda forces along the border”.

Those who know the Frontier are deeply concerned. Pakistan government is playing with fire. By reversing Mr. Jinnah’s Waziristan policy, at the behest of Americans, it has alienated powerful tribes in Waziristan and unsettled our western border which had remained peaceful for 62 years since the birth of Pakistan.

The nation is beginning to see the rapidly unfurling consequences of General Musharraf’s fateful decision to join the “coalition of the coerced”. Dragged into a proxy war at gunpoint, America’s dreaded war on terror has indisputably arrived on Pakistan’s soil. Pakistan is slipping into anarchy and stands on the brink of civil war. A perfect storm is looming on the horizon.

We have stumbled into a war that we cannot fight and win for the simple reason that we don’t seem to realize what guerrilla war is like. We are sending conventional troops to do an unconventional job. I can foresee a perilous voyage. The war in Waziristan cannot be won because it is perceived as a white man’s war. It could be won only if perceived by the powerful tribes as Pakistan’s own

war. That, unfortunately, is not how they perceive this war. The conflict will, no doubt, be long and protracted. We will suffer more because not even a great power can beat guerrillas. The enemy cannot be seen: he is indigenous to the country. My fear is that we will get bogged down.

War against our own people is too terrible a thing to resort to. Many questions spring to mind. Was the decision to go to war determined by the absence of other viable options? Why was it not debated in Parliament? Why deploy military means in pursuit of an indeterminate and primarily political end? Was there a geopolitical imperative to resort to war in Waziristan? Aren't we Pakistanizing the American war on our soil?

We must also recognize the limitations of modern, high technology, military equipment in confronting highly motivated guerrilla movement in a treacherous terrain. We must also recognize that the consequences of large - scale military operations - against our own people - particularly in this age of highly sophisticated and destructive weapons - are inherently difficult to predict and to control. Therefore, they must be avoided, excepting only when our nation's security is clearly and directly threatened. These are the lessons of history. Pray God we learn them. But as Hegel said long ago? "Man learns nothing from history except that man learns nothing from history".