

Musharraf's Legacy

If the increasing protests against his regime are any indication, Musharraf's days as Pakistan's president appear numbered. The transition to democracy has to be carefully managed, with elements of continuity intertwined with some necessary changes.

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The military regime of Pervez Musharraf appears fatally wounded. Military dictatorships are hard but also brittle. In Pakistan's case, it might be premature to give a precise date and method of regime demise, but only very exceptional circumstances will allow Musharraf to remain in power beyond 2007. It is not too soon, therefore, to start thinking about the general's legacy and the task of clearing up afterwards.

The General and the Judge

Musharraf's action against the chief justice of Pakistan, Iftikhar Mohammad Chaudhry, has served as a catalyst for the unravelling of his power – or perhaps exposing fissures that already existed. When Musharraf summoned Iftikhar Chaudhry to the Army House in Rawalpindi on March 9 to demand the latter's resignation, he had no inkling that Chaudhry would resist. The charges against the chief justice that were later referred to the Supreme Judicial Council – the constitutional body empowered to hear complaints against top judges – were mostly concerned with favours sought, granted or acquired for Chaudhry's son. The image of a uniformed general talking at the top judge made all the television channels and newspapers and defined the moment.

Independent observers believe that the real reason behind the attempt to see off the chief justice was that Musharraf had become unsure about Chaudhry's loyalty – and this at a time when the general was most in need of a compliant judiciary to wave him through potential legal hurdles to his well-publicised plans of extending his seven-year rule. The chief justice whose tenure, according to service rules, would last till 2012, had put the government in

difficulties in May 2006 with his ruling against the privatisation of the Pakistan Steel Mills. More alarmingly, the judge had taken an interest in the several hundred cases of forced disappearances allegedly at the hands of the state security agencies.

There will continue to be speculation about what motivated the chief justice to stand up to the general. Was it purely a point of principle, was it personal ambition, or did he feel protected because he had a prior understanding with influential insiders? Perhaps it was a combination of all three things. Whatever the case, Chaudhry quickly gained the support of lawyers and bar associations. This too seemed to have surprised the regime and the initial response was tough and brutal. Chaudhry and his family were placed under virtual house arrest in the chief justice's official residence. Protesting lawyers in Lahore were baton charged and scores were injured – the senior advocate leading the rally was hit on the head as he tried to reason with the police. Then, on his way to the Supreme Judicial Council for the first hearing, the chief justice was man-handled by police officers.

There were ham-handed attempts to censor the media, particularly the private television channels. Pressure was mounted through the regulatory authority, specific news programmes and talk-shows were targeted, and finally, there was a police assault on the Islamabad offices of a widely-watched Urdu language news channel. For several days after triggering the crisis, Musharraf virtually disappeared from public view. So did the prime minister, Shaukat Aziz, and most of the 50-plus members of the federal cabinet. The job of explaining the government's position was left to a few hapless ministers whose main qualification was their deadpan ability to contradict themselves. After the police attack on the news channel, Musharraf

finally resurfaced, phoned a well known anchor at the television channel to apologise, and claimed, bizarrely, that the attack on the media was a conspiracy against his government!

The American Angle

The lawyers' protests have, however, continued and several judges have resigned. Opposition political parties have joined the fray and declared their support for the chief justice and the lawyers' associations. The lawyers and their political allies have won significant victories. They have successfully asserted their right to peaceful protest, and police behaviour on the streets has turned from confrontation to restraint. The chief justice is no longer a prisoner, and the more draconian attempts at censorship have ceased. The lawyers' mobilisation might not have caught the attention of the masses as yet, but it has decisively created the space for standing up for the constitution and the rule of law. This is a major achievement in Pakistan. It is worth recalling that when Musharraf took over in October 1999 he likened the constitution to a gangrened limb that needed to be amputated in order to save the patient, that is, the "nation". Today Musharraf and his allies preface all utterances with a mandatory nod in the direction of that very amputated limb.

Meanwhile, pressure on Musharraf has started building up from a most ominous source – namely, the US. According to a senior Central Intelligence Agency source quoted in a *New York Times* piece published on March 11, the main threat to Musharraf from within the Pakistani military is likely to come not from Islamic militants, but from those officers who see his policies as jeopardising the military's relationship with the US. The US state department spokesman Sean MacCormack has twice referred obliquely to the "uniformed president" issue; when replying to questions at a press briefing, he declared that Musharraf had made promises to the Pakistani people and the US expected him to live up to those promises. It is quite another matter that Musharraf had promised to relinquish executive power in October 2002, and to shed his uniform at the end of 2004, and got away with

thumbing his nose at the opposition due to solid US backing.

The US Congress and Senate passed resolutions on January 9 and March 9, respectively, calling for free and fair parliamentary elections in 2007 and linking US military assistance and exports with a presidential certification that “Pakistan was making all possible efforts to prevent the Taliban from operating in areas under its sovereign control”. Musharraf’s carefully constructed policy of portraying himself as the last line of defence against Islamic militants is now being openly questioned and influential voices within the US would like to call Musharraf’s bluff. Benazir Bhutto’s pleadings that Pakistanis would vote for liberal parties, and if not for military interference, the Islamic militants would remain on the political fringes, have finally found receptive ears in Washington DC. Or perhaps, as many Pakistani conspiracy theorists believe, the Americans have no longer much use for Musharraf, and Benazir will have a role in any transition.

A Managed Transition

The Musharraf regime, like all other military governments before it, has failed to establish its political legitimacy, and has remained defensive on that front throughout. This is despite two rounds of local government elections, in 2001 and 2005 respectively, and parliamentary elections in 2002. Electoral manipulation and outright fraud is one factor that accounts for the legitimacy deficit. Economic policy for its part created some supporters for the regime but not too many to win over popular sentiment. There was conspicuous infrastructure development out of the windfall gains that followed September 11, 2001 – particularly in some regions – but low employment growth and high inflation rates more than cancelled out any political advantage.

Perhaps the most important source of the legitimacy deficit has been the dual nature of political power in what is, essentially, a military government. Musharraf, like any military ruler, has constantly felt the need to speak up for the military – as though it were a political party rather than an organ of state. This need for self-justification has undermined the efforts of his civilian partners (some of whom have popular constituencies) to take credit for anything other than being loyal supporters of Musharraf and the military.

The legitimacy deficit has thus far proved

impossible to overcome and leaves the regime looking unstable and vulnerable to internal intrigue and external pressures. The opposition parties have not been successful in mobilising the public for a pro-democracy movement, and in the absence of a credible alternative socio-economic platform, it is hard to see why the working classes would come out to protest. But by merely surviving and contesting seven years of military rule with much of their political constituencies intact, the political parties have kept alive the option of a peaceful return to civilian rule. This seemingly feeble “achievement” cannot be scoffed at under the circumstances.

There are segments of the population that are in open revolt. Balochistan and the Pashtun tribal areas are already up in arms for different reasons, and it may not take much for the interior of Sindh to follow suit in its own way. But given that there is little prospect of a popular rising in Punjab – the lawyers’ struggle notwithstanding – the most likely scenario is a managed transition involving relatively free and fair elections, the return of exiled opposition leaders, and the exit of Pervez Musharraf.

A managed transition is, of course, as much about continuity as it is about change. There is little prospect of significant change in economic policy, though there might be greater scope for a more active social policy. The military would remain politically strong, and is likely to retain much of the space that it has captured for itself in the civil economy. Many of those who gained during Musharraf’s regime are likely to reinvent themselves as torch-bearers of democracy, at least for a while. Transition will allow the federal government to step back from some of the more intractable positions that have evolved in the Musharraf period and initiate negotiated settlements – salient among these being the Balochistan conflict.

Breaking the Jihadist Eggs

Foreign policy will also remain unchanged with one potentially historic qualification. Relations with the US will remain close – in fact one rationale for the managed transition will be to inject greater credibility into Pakistani claims of cooperation in the war against the Taliban. The present approach to the peace process with India is also likely to continue. There is the imminent danger of Pakistan being dragged into an aggressive US-led encirclement of Iran – but this too will be an unfortunate feature of continuity rather than change. The one area where

change might be a possibility is the decisive abandonment of jihadism as a tool of foreign policy. If this happens, it will have significant positive implications for relations with India and the trajectory of domestic politics and even social policy.

The Pakistani response to September 11, 2001, under Musharraf was to become an ally in the war against terror while maintaining as much of the jihadist infrastructure as possible, in anticipation of changing winds. The infrastructure in question is not some cleric-run seminaries, but the entire secret apparatus within the state for managing jihad. It also includes the cultivation of fascistic political fronts that can provide ideological cover and cannon fodder. The primary logic for maintaining the jihadist infrastructure, however, was not ideological but pragmatic: US interest in Afghanistan, it was argued, would be short-lived and after that Pakistan required leverage in that country. A similar logic is thought to have prevailed with respect to India and Kashmir. The “jihadist eggs” had to be conserved in order to retain Pakistan’s future leverage in its areas of concern. Musharraf’s own declared position was that he was himself anti-jihadi but constrained by pressures from below. The attempts on his life placed his own credentials beyond suspicion.

Now it appears that with the Americans having called the bluff, there might be the possibility of a genuine and decisive reversal of the jihad doctrine within the Pakistani military. If the jihadist eggs have become too hot to handle, it is perhaps time to drop them. While jihadism may have reaped short-term tactical advantages for Pakistan from time to time, it is not integral to the country’s foreign policy, let alone for the personality of the state. Its effects on the body politic, civil society and cultural life have been devastating, as it has been a readily available lever in the hands of the military against democracy and peace.

Many will argue that a continuation of the present economic policy, the continued political and economic entrenchment of the military, and continued or even enhanced support for American aggression in the region, particularly if this involves encircling Iran, will be too big a price to pay for a managed transition. The question is what are the alternatives available at the moment – and the prospect of being rid of the jihadi “eggs” once and for all might make the bargain a little less Faustian in the longer term. **EPW**

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