

AGENDA BEFORE THE NATION
2013 AND BEYOND
CONSTITUTIONAL, POLITICAL
AND GOVERNANCE ISSUES

POLICY PERSPECTIVES

Institute of Policy Studies, Islamabad, Vol. 10, No. 1, PP. 3-15

Jan - June 2013

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A National Agenda for next five years i.e. 2013 and beyond has to be formulated in the context of global, regional and domestic scenarios.

Global Scenario

First and foremost is the global scenario. In the global scene, while the haunting shadows of 9/11 are very much lingering the real issue is the need for an exit strategy. This is being recognized on all sides. Yet the way out is not clear. The costs of confusion and inaction are increasing, even multiplying. As of today exist strategies, despite some serious efforts, are in limbo. And while this process has been unfolding, a new crisis in the form of a global financial crisis has cast its spell over the whole world.

Financial crisis began in September 2007 but year 2008 was the worst. It was hoped that 2009 could be a year of recovery. But even in the beginning of 2013 recovery remains a distant hope. During these five years, financial crisis has impacted other sectors of economy. It has become a wide-ranging economic crisis.

Another important aspect is that a crisis that emanated primarily in the private sector (banking, property and real estate), gradually affected other sectors having devastating consequences for production, trade, public debt, employment and budgetary deficits. State bailouts to save the system are beginning to change the very role of government within the current capitalistic economic system. This process has snow-balled into crisis at national economic levels. Greece,

Spain and Italy are faced with crisis at the national levels. Even other Western countries have not been totally immune from that. Germany has so far been able not only to safeguard itself but also helped others, yet there is an increasing unease. France is in a difficult position. Even in America national debt has crossed the 16 trillion dollar limit. Now they are trying to seek a new ceiling. The two pronged strategy of tax cuts and state intervention to promote economic recovery has not been successful at least so far. It is now being realized that the economic crisis has the capacity to turn into a civilizational crisis exposing the weakness relating to the moral, political, structural and institutional dimensions.

In this global context, the symptoms of a shift of global economic balance of power are also becoming visible. The role of Asia and Latin America is increasing. Even the developing countries, despite all the problems, they face are searching for new roles. They are beginning to be looked upon as a source of strength in future as against the view of their being a burden. China, Japan, Brazil, India and Turkey are being looked upon as relatively more important players in the future. That is one scenario.

The second scenario relates to the Arab Spring. From Pakistani point of view, two aspects are very important. One is that hegemonistic neo-colonial post-WWII arrangements that have so far been calling the shots in the region are crumbling. There is a universal urge for change. Secondly, this

urge for change also reflects a new assertive mood of the people, the real stakeholders, who were marginalized in the past. They are re-asserting themselves to play a more decisive role. An unintended by-product of these developments has a significant ideological dimension.

Whenever any genuine democratic process has unfolded in the Muslim World, it has also meant greater role of religion in general and Islam in particular. I recollect a very succinct observation by two Western scholars, of course in different contexts and with different objectives. Wilfred Cantwell Smith says in two of his books, *Islam in Modern History* and *Pakistan as an Islamic State* that whenever there would be democratization in Pakistan and other Muslim countries, Islamization would be a corollary of that. Kissinger has also in one of his speeches in 1960s, expressed this idea in a manner clouded in apprehension. He was concerned that democratization in the Arab World may lead to a new role of Islam in politics that could be a challenge to the West and its interests. With this worry at the back of his mind he suggested strategies for balkanization of the Arab World and support for ethnic and sectarian identities and movements. In his view such a strategy could also act as an insurance policy for the protection of Israel. Promotion of ethnic and sectarian movements amongst the Kurds, Arabs, Iranians and Turks was part of this strategy. The same game is being fostered in Iraq, Afghanistan, Pakistan and Arab World today. This scenario is also to be kept in view when we are planning for a future agenda for our country.

Regional Scenario

Third is the immediate regional scenario. Pakistan is at the receiving end of what is happening in Afghanistan. It has also being directly affected by America's role in Iraq, and its new alignment with India. China's current efforts to evolve a more assertive and multidimensional strategy has also its implications for Pak-China relations. While continuing its earlier development-specific efforts towards self-reliance, it is now making serious efforts to play a more active role in Asia and Africa, on its way to an emerging global power. The most immediate challenge we face comes from the expected exit of the US and NATO forces from Afghanistan. This is unavoidable, yet the way this is coming about is very lopsided. France has withdrawn abruptly. So did Italy. Spain had done that earlier. UK is on the verge of withdrawal. And America also has no other option. The post American scenario in Afghanistan is going to have very important consequences for Pakistan. As also, the Iran-Israel-America tension whose escalation would have very serious consequences for Pakistan and the Middle East. We cannot afford to ignore all these challenges.

Domestic Situation

Fourth scenario relates to the domestic situation. Even if we do not go very far back, the last fourteen years are very important. These years can be grouped into two periods: (a) Musharraf period 1999-2008 and (b) Zardari-PPP period 2008-2013. The Musharraf period witnessed reversal of the democratic process, re-establishment of Military rule, subordination of all constitutional organs to the will of the Military ruler, promotion of an elitist capitalistic economy, weakening of the country's ideological identity and serious compromises on issues of independence and sovereignty of the state. The tragic events of 9/11 and abject surrender of Pakistani leadership to the US pressure changed the whole equation of Pak-US relationship and resulted not only in seriously denting our national sovereignty and independence but also caused huge losses in life, property and economy. India-Pakistan relationships also took a new turn to the disadvantage of

Pakistan. Core issues of Kashmir and Water dispute were sidelined. Out-of-box solutions became favorites yet turned out to fiascos. In short, Pakistan suffered in all respects, politics, economy, law and order, national cohesion, culture and ideology.

Elections of 2008 could have been a turning point. The PPP-led Government initially bore a fresh promise but unfortunately that hope has turned sore over the years. The gruesome reality is that these five years of supposedly democratic rule have been years of disaster. Instead of change they fell prey to “continuity” and so called reconciliation. It is not unfair to say that post 2008 period despite some apparent differences, is essentially a continuation of the earlier era. Musharraf’s major policies have remained unchanged. Even where there have been some changes in appearances, little has changed in substance. There is little change. America’s interference and involvement in internal affairs and policies has increased. What was being done by Musharraf with a gusto is now being done as if under compulsion. The political and military leadership has not shown the courage, vision and capacity, to get Pakistan out of the US shadows and pursue new policies and strategies to protect and develop Pakistan as an independent state capable of defending and promoting its own interests and not playing just second fiddle to others.

The upshot and result of both these periods (1999 to 2008 and 2008 to 2013), goes to make up the nature and shape of the crisis that the nation is facing today. As the tenure of present Parliament is ending we are faced with prospects of new elections. What is the real nature and extent of the domestic crisis? I will try to highlight some of its major dimensions.

Crisis of Legitimacy:

First and foremost it is a ‘crisis of legitimacy’. For any country’s good governance, legitimacy is a must. Musharraf lacked legitimacy. The present regime, despite being an elected one, and despite the semblance of democracy and democratic institutions, also lacks moral and political legitimacy. There is a lack of trust between the people and the leadership, as also between different state institutions and stake-holders. It is an arrangement of convenience, lacking unity of thought and commonality of vision and concerns. What is absent is the spirit and substance of co-participation, cooperation and co-sharing. Key institutions are either at loggerheads with each other or in a state of uneasy co-existence. But the most important aspect is that the trust of the people on the Government and most of its institutions has weakened, if not totally collapsed. Higher judiciary is perhaps the only exception. Media has played a relatively positive role but only in very limited areas. Army which has always enjoyed the trust of the people as defenders of national borders has become disputed because of its involvement in the war of terror and because of people’s apprehensions about the role of the intelligence agencies in civil, political and regional affairs. This crisis of legitimacy is a matter of deep concern and makes it imperative that fresh elections must be held fair and with utmost transparency. It is only with the emergence of a new political leadership that enjoys people’s trust that a new beginning can be made.

Crisis of Integrity:

The second dimension of the crisis can be described as a crisis of integrity. It is more than a natural corollary of the crisis of legitimacy. While integrity includes legitimacy it is more than that. The

situation is much more complex. Integrity is achieved on the basis of vision, character, trust and incorruptibility. The incumbent political regime, a coalition that is running the show, has failed to demonstrate integrity, moral, ideological and political. The War on Terror has also seriously dented the integrity of the ruling classes. If a large number of people think that their leadership is not making decisions on the basis of what constitutes Pakistan's national interest that destroys integrity. The most painful aspect, in my view, is that even the army has suffered in this respect. There is a trust deficit between the army and the people. An alarming symptom of this was the official instruction issued to military personnel during the Musharraf regime not to travel in public transport in uniform. This was the lowest watermark. It may not be that bad today, but it remains low nonetheless. The role assigned to army, viz-a-viz, internal counter-terrorism, in certain cases unavoidable and essential part of a strategy of deterrence, has its darker sides. It is not suggested that terrorism is not a threat. It is a threat. Yet, it has to be tackled in a manner that is realistic and productive. This is possible only if we address the causes of the malaise and not merely its symptoms and expressions. There is no military solution, pure and simple to an essentially political problem. The real solution has to be political; even though security forces have a role to play in areas they may be needed. That is what the Parliament had recommended in its three resolutions. It has suggested an independent foreign policy and political solution of the problem based on dialogue, development and deterrence. Government failed to follow that path. The imposed strategy it has followed has failed even to contain terrorism, what to say of its elimination. Unfortunately this strategy has dented army's integrity viz-a-viz the people.

America has played a role in it by making the people feel that army, as also the political leadership, are following American road map. People feel absence of a truly Pakistani policy. This has a direct role in aggravating the crisis of integrity. In the light of the above analysis it would be appropriate to suggest that a way out cannot be found without a well thought out political decision which is possible only if there is change in political leadership. Unless a new leadership comes up with a new vision and a new strategy to serve Pakistan's interests we may not be able to come out of this crisis. This new strategy should take on board all the stake holders as partners.

The political scene is very clouded but there are some positive developments that deserve to be acknowledged. The Government despite all its failures and compromises, has, by and large, not resorted to naked political vendetta and victimization, as has been the case during military rules. Major constitutional institutions, even though they have failed to fulfill the people's expectations, are at least operational however poor be their performance. At least three positive aspects can be noted. One at the constitutional and legal level, major constitutional distortions which had destroyed the balance of power as envisioned in the original Constitution have been removed and a new balance achieved through a national consensus. Not that all the problems have been resolved but a framework has been agreed upon which can take care of issues at the federal level and can lead to improvement in relations between the federation and provinces. Unfortunately the provincial-local relationship could not be addressed so far. It is a big failure. But at the other two levels, i.e. Federation and provinces, some of the developments are positive, at least as far as the constitutional framework is concerned.

Similarly there is some improvement in the area of legislation through proper parliamentary process. Legislation by ordinances, although present, has decreased.

Secondly, there have been some very positive developments as far as the higher judiciary is concerned. Of course this independence of the Judiciary was achieved through a heroic struggle of the people and the legal community. Initially the post-2008 government showed great reluctance, even resistance, to restore independent judiciary. But ultimately the will of the people prevailed. While the independence of the Judiciary has been achieved, tensions between the Executive and Judiciary have escalated. A large number of judiciary's decisions remain unimplemented. There are occasions when it seems as if there is a tug of war between Executive and Judiciary. This does not auger well for the future. Judicial activism becomes necessary because of the failure of the Executive to deliver and operate within the framework of the constitution and law. The Judiciary had to fulfill its normal responsibilities as also respond to people's grievances caused by Government's failure to do its duty fairly and honestly. In such cases it had to resort to its constitutional role as the defender of human rights. This has been due to an abnormal situation. It is only something exceptional. Judicial restraint must remain as important as judicial activism. A balance between the two is necessary. In my view, the whole idea of fundamental rights and Supreme Court to be the guardian of fundamental rights was a very important contribution of the original 1973 constitution. Embedded in this constitutional provision is the view that if fundamental rights are violated as a result of a faulty executive action, then this being a violation of fundamental rights, it becomes the duty of the Supreme Court (and not any other court) to intervene. That is how a political issue becomes an issue of fundamental rights. And when it becomes an issue of fundamental rights, it comes under the original jurisdiction of the Supreme Court. Frequent use of this right is taking place because the executive had failed to deliver. Yet, while we recognize the positive contribution of judicial activism the danger is that if it becomes a norm that would not be helpful towards promoting institutional balance and safeguarding structural equation as established in the constitution. That leads us to the core issue of good governance. Courts cannot play the role of the executive and its different organs. It can only act as a brake, a source of restraint, and guide, but not as a substitute.

The third positive development relates to the freedom of media and its enhanced role both as a source of information and as a forum promoting debate that could influence policy-making in the country. It has also a role to play to promote greater accountability in the society and polity. Unfortunately there have been a number of excesses in this area as well, particularly because of the role of certain lobbies, both domestic and international, and also because of covert influence of certain cultural groups, political mafias and power elites who have also used advertisements to achieve their vested interests. Despite these failures and weaknesses, free media is a source of strength and whatever has been achieved has been a positive development.

Crisis of Governance, Capability and Credibility:

The third challenge we face relates to a serious and all-pervading crisis of governance. It is a central issue. Along with the crisis of legitimacy and integrity, it is the crisis of governance that has to be the centerpiece for an Agenda for the Nation 2013 and Beyond.

Legitimacy and integrity are essential but not enough. Without good governance a country cannot make real progress. If the leadership and institutions lack the capacity to deliver governance would be at a low ebb. And when lack of capacity is coupled with corruption, all is lost.

Our failure of governance can be traced to many factors: lack of legitimacy and credibility, failure on the count of rule of law, disregard of the principle of merit, absence of transparency, and wanton violation of standing operational procedures, abuse of power and wealth-aggrandizement for personal ends. Some SoPs may also be flawed, but whatever is there, has to be respected. And if rules are openly and persistently violated good governance can never follow. It is because of this rampant culture of incompetence and corruption that has driven governance to near collapse. This is so throughout the length and breadth of the country. If a change for the better has to take place, both incompetence and corruption, would have to be addressed firmly.

I put incompetence and corruption as twin disasters because in my view corruption is antithetical to capacity. It is also a gateway to the destruction of capacity and credibility. Corruption is not merely monetary embezzlement, which is only one gruesome form of it. Each and every form of misuse of power is corruption. That destroys every fabric of the state and pollutes all those processes that produce capable leadership in a country. So the menace of corruption has to be fought at the foundational levels (legitimacy and integrity) and also at the operational levels (competence, capability, rule of law and respect for merit). An aggressive anti-corruption crusade can result in substantial reduction in corruption in the first phase and its ultimate eradication in due course of time. This should be one of the primary objectives in this National Agenda.

There is one more aspect of the crisis which should be taken into view i.e. crisis of credibility. Credibility is primarily a moral phenomenon based on conformity between word and deed, policy and action, law and respect of law. It affects every activity in every sphere of governance.

Some other Critical Issues

These in my view are the major challenges that we face. But it would be inappropriate to stop at that, because in my view three more issues are of critical importance.

Erosion of Independence and Sovereignty:

First, as a result of all the above mentioned predicaments, the country is confronted with aspects of an existential crisis: erosion of independence and sovereignty, loss of national honor and neglect of vital national interests. Our independence, our autonomy and our identity as a nation are at risk. In view of this we have to search for a new Security Paradigm in the proposed Agenda for 2013 and Beyond. That Security Paradigm must have independence, sovereignty of the country, national interest and national honor, as our key concerns, to be protected and promoted within the context of availability of resources. We must realize that whether we are strong or weak, whether we are small or large, there is a core set of national interests that has to be protected at all cost. Security is not merely a military phenomenon. It is multidimensional: having human, military, political, cultural and economic dimensions. As such protection of independence, sovereignty and national interest is an overriding concern and must be integral to our Security Paradigm.

Ideological, Moral and Cultural Identity:

Second key issue relates to our country's ideological, moral and cultural identity. That too has been compromised, tarnished and marginalized. A people cannot be inspired and motivated to rise up and sacrifice everything only for petty political and economic concerns. They live and die only for higher ideals. So along with security and independence, the ideological, moral and national identity of the nation is a matter of vital concern. Hence the cardinal importance of Islam as a source of our national identity.

Even a number of Western strategists are now recognizing that Islam is integral to a Muslim society. And if this aspect is ignored or allowed to be disfigured peace within and peace with the rest of the world would remain elusive. This fact must be recognized that Islam is the basis of our identity, notwithstanding the narrative of the secular lobbies or vested interests. If this identity is ignored, camouflaged or compromised, the people and the rulers would never be on the same page. Consequently a country torn from within as a result of such a conflict would never achieve good governance.

Economic Dimension:

Third is the economic dimension. Power of a nation, political as well military, depends very much on its economic strength. It is of critical importance in respect of protection of independence and honor and promotion of national identity and well being. Security and economy go hand in hand. People's welfare is the source of a nation's real strength. During the last few years our economy has unfortunately gone down the drain. All major economic indicators are in the negative. Yet, if we have survived it is because of inherent resilience of the people. People's will and presence of a large informal sector have come out as the hidden source of strength of our economy. That is how we have survived despite grossly flawed government policies, acute energy shortages, and rampant corruption.

The way economy has been handled since 2008, smacks of heights of incompetence and mismanagement. High rates of inflation, unemployment, and levels of poverty; constant erosion in the value of money, both domestically and in world markets; low levels of production; flight of capital; mounting debts; escalating levels of debt servicing; precarious state of reserves, — all have driven the economy towards brink of disaster. It is the inherent resilience of the non-public sector that has enabled the country to survive. There is no doubt that people have suffered and every sector of economy has languished. It is only a certain elite that wallows in prosperity and affluence. The common people have suffered. It is a sad commentary on the performance of the Government that public sector enterprises (PSE) have been a constant drain on the economy. Some energy shortages were there before 2008, but it has been during the last five years that shortages have snowballed and disrupted the economy and worsened the living conditions of the people. The volume of domestic and international debt has increased from Rs. 6 trillion in 2008 to over Rs.15 trillion in 2012. Capacity to repay debt has not been created. Debt servicing has become item number one in public expenditure. In 1970's and 1980s, defense expenditure was used to be the largest component of government spending. Now debt servicing is almost double the defense expenditure.

It is eating away more than three times what is spent on development. The amount spent on the provision of social services is peanuts in comparison to it. So this is a very grave situation. This challenge can be met only if the country is able to get a leadership that knows what is to be done; and has the capability and credibility to transform the economy. What is needed in the economy is a paradigm shift: an economic path that focuses on growth, human resource development, elimination of corruption, and effective mobilization of domestic resources and also those of the expatriates. This must be coupled with good governance and shift of focus towards self-reliance and people's welfare as centre-piece of all policies and programs. It is very difficult to turn the corner and come out of the present mess, without such a radical change.

War on Terror: To me, War on Terror is not merely a question of security and foreign policy. It is also a question of economy, as also of trust between the people and the rulers. Protection of life, honor and property are sine qua non of civilized existence. If security is to be privatized, it is a vote of no confidence in the Government and the agencies and institutions responsible for law and order in the country. The economic cost of the war on terror is horrendous. Poor people of Pakistan have financed this American war on terror to the extent of over \$100 billion. This represents only direct economic cost. Indirect costs are much higher. Deterioration of law and order is directly related to our involvement in the war on terror. Country is also suffering at the hands of terror mafias, criminal groups, sectarian outfits, secessionist forces. Foreign agencies are also engaged in overt and covert activities. This is over and above another direct cost in the form of loss of life of over six thousand personnel of the armed and security forces, over forty thousand civilians, injuries to more than double those numbers and displacement of over three million people within the country. How to bring this war to an end is the most urgent issue. There cannot be only one way of dealing with all of the multifarious aspects of this challenge. There has to be a multidimensional strategy. WoT has to be brought to an end in a manner that does not aggravate terrorism in the country and in the region. It is also very important to ensure that the current war on terror is not replaced by another era of civil war in Afghanistan. If there is no real peace in Afghanistan we cannot live in peace in Pakistan.

Relationship between Federation and Provinces: Relationship between federation and provinces, and between provinces and local governments is also an extremely important issue. Genuine decentralization without compromising the foundations of federation is one of our existential needs. Serious work has to be done in this respect by developing a clear roadmap taking care of the genuine concerns of the federation as well as the provinces, particularly in Baluchistan, in a manner that all stakeholders participate in this effort and ultimately arrive at consensus. Structural changes in the monetary and fiscal system which must accompany them are also required. We have a fiscal system which does not conform to principles of federalism. It is a kind of pseudo federalism. There is a structural problem, as almost all revenue collection is done by the Federal Government as is the case in a unitary state. But, expenditure processes are in a different mould. Those who manage expenditure are not responsible for taxation. This lies at the roots of a lot of fiscal irresponsibility. Unless taxes are also decentralized, principles of fiscal responsibility cannot be promoted at all levels. The financial structure has to be redesigned and restructured. The fact that federation collects and provinces spend is recipe for indiscipline. That is why the task of development of a proper and responsible federal system demands major changes in structures, policies and processes of governance, political and financial. The 18th Constitutional Amendment

was a step in the right direction, but only a first step. Successive steps required have not been taken yet. That is why we are faced with structural as well as political issues in this respect.

Role of Private Sector: Despite all the economic constraints, if we can set our priorities right and mobilize our real resource potential, particularly in the social sector and public sector development, we can inaugurate a new era of economic development and social welfare. Private enterprise should play a key role. It is borne out by history that whenever private sector was given proper opportunity it has played its role positively and constructively. But because of corruption, lack of good governance, real and contrived clash of interests, absence of clarity of vision, neglect of accountability, and failure of regulatory mechanisms, private sector has not been able to make its full contribution. A balanced approach is needed: vibrant private sector, and responsible and supportive public sector. The role of the state particularly in the realm of infrastructure development, provision of social services, and bringing the lower strata's of society into the mainstream of economy is of critical importance. State's responsibility to ensure education and health for all and adequate infrastructure development at grassroots levels and financial structures that can provide lifeblood for all layers of economic activity such as agriculture, small and cottage industry, small and medium enterprises (SMEs) are very important. Key targets must be set for macro- economic stabilization, as well as grassroot economic development ensuring social well-being for all members of the society and their active participation in the economic processes. This calls for a different economic model. Development of such a model should be our immediate objective. If we as intellectuals are able to identify our real national objective, expound that vision with clarity and spell out a roadmap to move in that direction we can help the future political leadership to lead the country out of this difficult situation.

As a nation we have great potential. What is lacking is political will, clarity of vision, a well-thought-out roadmap, capable political leadership and vibrant state institutions to play their respective roles. The success of a leadership lies in making all stake-holders play their assigned roles in building the society. Let us clearly state the issues we face and spell into the strategies and policies needed to resolve them. We can play a constructive role by providing a roadmap to the new leadership that comes up as a result of the 2013 elections to build Pakistan as a regional power in the next decade. It is time we make our contribution to enable the new leadership to squarely face the challenges that comes from this fivefold crises of legitimacy, integrity, governance, capability and credibility.
