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AIIA Policy Commentary

Perspectives on Pakistan

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Perspectives on Pakistan

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**Excerpts of the Address by the President of Pakistan
to the Joint Sitting of Parliament***

President Asif Ali Zardari

19 September 2008

I bow my head in gratitude before Allah for standing here today to address the joint session of the Parliament. I thank the Members of Parliament and of all the provincial Assemblies for reposing confidence in me and electing me to this high office.

I have been given this singular honour and privilege in the name of Shaheed Mohtarma Benazir Bhutto and I am humbled to be standing here in front of the seat of democratic power in Pakistan.... For myself, I can only say that I stand here after crossing a river of blood and tears. I have been a prisoner of conscience, but will never let that make me a prisoner of history. This means that while I will learn from history, I will never allow my decisions to be dictated by the politics of vengeance and bitter memories. It is time for us to move on. God has given us a unique opportunity and we must not waste it.

I wish to congratulate all the elected Members of the Parliament. I also congratulate the Prime Minister, the federal and provincial governments on assuming their responsibilities. The mandate you have is both an honour and a great responsibility.

To address the Joint Session of the Parliament in less than two weeks after my election as President shows that we hold the Parliament in the highest esteem, and accord the highest priority to the fulfillment of its obligations under the Constitution and law. Under dictatorship, the Parliament was stripped of its powers, and not given due respect. The Constitution requires that the President address the Joint sitting of the Parliament after every

election and at the beginning of every Parliamentary year. Yet in the last eight years, the Head of the State only once addressed the Joint sitting of the Parliament. But let me assure you, that the days of constitutional deviation and bypassing the Parliament while taking decisions of national importance are over. As head of the state I wish to make it very clear that the President and the government must always seek guidance from the Parliament in carrying out our duties. We are committed to upholding the sanctity of the Constitution, supremacy of the Parliament, and rule of law. The cardinal principle of our governance is respect for the mandate of the people as manifested in the February 18 elections.

Madam Speaker, Honourable Members of the Parliament, I have a dream for Pakistan. My dream is to free this great country from the shackles of poverty, hunger, terrorism and disunity. And I know that as law makers, you too share that dream. For every hope, we need a plan, and for every plan we need an agenda. Without a doubt, a heavy national agenda challenges your government. It is the agenda of moving quickly to heal the wounds of the past and restore the trust in the federation...

Successive blows have weakened the federation. It needs to be strengthened. For this, the bitterness of the past must give way to reconciliation and harmony. I believe that the 1973 constitution is the only consensus document that can fashion such a social contract. I also request the government to start consensus building process on provincial autonomy and the allocation of resources through a new formula that meets the needs of a united federation.

We must root out terrorism and extremism wherever and whenever they may rear their ugly heads. Reforming the tribal

areas and bringing them into the mainstream of national life can no longer be delayed. They must be treated at par with the rest of their Pakistani brethren. The people of the Northern Areas must also get their basic rights, representative rule and an independent judiciary. We believe in the independence of the judiciary and all matters concerning the judiciary shall be resolved in accordance with the constitution and law.

Another great responsibility rests on your shoulders. That is the removal of distortions in the Constitution, made by successive dictators to prolong their rule. As the democratically elected President of Pakistan I call upon the Parliament to form an all parties committee to revisit the Seventeenth Amendment and Article 58(2)b. Never before in the history of this country has a President stood here and given away his powers.

Pakistan is at a critical security juncture today. In order to meet the challenge posed by the extremist and terrorist elements in the Tribal Areas and the adjoining regions, the Government has devised a comprehensive three-pronged strategy. First, to make peace with those who are willing to keep the peace and renounce violence; second, to invest in the development and social uplift of the local people and third, to use force only as a last resort against those who refuse to surrender their arms, take the law into their hands, challenge the writ of the Government and attack security forces.

For all stakeholders to have ownership of this policy, I will request the Government to hold a national security briefing for an in-camera joint session of Parliament. Let everyone have an opportunity to make an informed judgment about the risks to our beloved country and about how we should move forward with responsibility and clarity of vision.

I ask of the Government that it should be firm in its resolve to not allow the use of its soil for carrying out terrorist activities against any foreign country. We will not tolerate the violation of our sovereignty and territorial integrity by any power in the name of combating terrorism. I believe that the world has become a dangerous place for nations with conflict on their borders. So we need peace not only within Pakistan but also in our neighbourhood. At all times, we must keep our national interest in mind. This means understanding the limits of confrontation. Under this strategy, President of Afghanistan Hamid Karzai was especially invited to my oath taking ceremony as a mark of Pakistan's sincere desire and consistent efforts to promote close relations and strengthen cooperation with the brotherly country of Afghanistan.

On the other side with India, the government believes that the relations between the two countries can and should be creatively reinvented. As Shaheed Mohtarma Benazir Bhutto said, "It is time for new ideas. It is time for bold commitment. And it is time for honesty, both among people and between people. There has been enough pain. It is time for reconciliation." For these ideas and for seeking peaceful relations in the region, we were once called, a "security risk" by our critics. But ideas cannot be killed by repression. The Charter of Democracy binds the government to a framework of peace and justice for the people of Pakistan and peace and friendship with India.

Pakistan has decided to resume the composite-dialogue process with India, driving our relations through enhanced trade. We express our complete commitment to the Kashmiri people in their just struggle for the restoration of their fundamental rights. We will continue to seek the settlement of all outstanding disputes, including the dispute over Jammu and Kashmir so that the main

hurdle in the way towards peace and full normalization of relations between Pakistan and India is removed. As a new initiative we will start a cross-LoC trade as a pioneering CBM in Kashmir. We also propose a more liberal visa regime to further expand people-to-people contacts and friendly exchanges, and establish new facilities for the visiting Sikh and Hindu pilgrims. As another initiative in our relationship with India, I would urge the Parliament to form a bipartisan caucus for the purpose of resolving outstanding disputes relating to Kashmir and the Indus Water head works. All parties must be represented on this caucus so that the nation is united on this key issue and draws strength by speaking in one voice.

The greatest challenge this government faces is an economic one. No elected government can survive the prospect of its people going hungry. The immediate and most urgent task before the Government is to provide food security to the common man burdened with the rising prices of food items. But we must realize that given the global oil and food shocks we face today, and the neglect of the Agricultural sector over the past nine years, this will not be enough to take the edge off the growing poverty our people face. To provide immediate relief to the poorest of the poor, the government has introduced welfare schemes across the board, with no political strings attached, like the Benazir Income Support Scheme for which a budgetary allocation of Rs. 34 billion has been made in the current Financial Year. The ban on trade unions has been removed and the minimum wage of an unskilled worker has been increased.

I do realize that all of this is not enough. Undoubtedly, your government inherited an economy that was driven by pure consumption, and as such was saddled with huge liabilities of unpaid subsidy-claims on account of petroleum products, power

tariffs and luxury imports. The subsidies on oil and gas that we have removed is something no political government wants to shift, but this bitter pill we had to swallow because our balance of payments account could not sustain the expenditures of the last regime. I see a new beginning for our economy, marked by a program of restoring investors' confidence, resumption of foreign investment, gradual build-up of reserves, exchange rate stability and, above all, revival of sustainable growth.

I am aware of the harsh reality that Pakistan is passing through an acute energy crisis due to a serious shortfall of electricity. Unlike the last government, which did not install a single new Megawatt in seven years, our Government has taken immediate short and medium term measures to address the issue. We cannot take Pakistan out of darkness in one month, but we can certainly do it by the end of the next year.

The government needs to set core priorities. I believe that the vast and rapidly changing agriculture sector offers enormous opportunities to hundreds of thousands of rural poor to break the vicious cycle of poverty. Agriculture-led growth will raise farm incomes, lower food prices and generate the surplus for exports that we so urgently need. Therefore, agriculture needs to be placed at the top of the agenda for ensuring food security on a long term basis, generating jobs and income for a vast majority of people living in the rural areas of the country. For the first time in the history of Pakistan, the government is looking at crop-insurance schemes.

Just development is not possible without justice for women. I note with pain that despite legislation that protects women, the women of this great nation continue to suffer crimes against them with disturbing frequency. I will request the Government to do its

utmost to not just provide protection to women, but to empower them at every step of the long road to their just entitlements as full citizens of this state. We cannot reverse decades of social backwardness by one stroke of the pen, but we can, and we will turn this tide slowly but surely. For the first time ever, all state allotments, both in income support or land, will be made in the name of the women of this country, as my late wife Shaheed Mohtarma Benazir Bhutto would have wanted. This is a first step on a long journey, but let me assure you, the women of Pakistan will stand with me in this venture.

I also note that the minorities of Pakistan have played a crucial role in the development of the country but have not received their social and political dues. We will further draw them into the mainstream of national life and make full use of their potential.

The media has come a long way from the first day the PPP government opened up the airwaves to private networks. Our Government lost no time to dismantle the infrastructure of violence that the last regime had left behind in repealing the Pemra and Print media ordinances which hung over the media's head like a sword. We will soon be bringing other fundamental laws, such as the Freedom of Information Bill, and work with stakeholders toward an open atmosphere of self regulation with no interference from the state. I have requested the Government of the day to look into providing wage support and housing colonies in every province on a low-cost basis, for all journalists.

Under the new set up, the Parliament is asserting its role as a sovereign body. For the first time in more than 44 years, the Defence Budget was discussed in the National Assembly. Also for the first time in the history of Pakistan, we have appointed a Chairman of Public Accounts Committee as per our commitment

in the Charter of Democracy. And we all know that across the board and transparent accountability forms a key pillar of good governance. Unfortunately accountability has been grossly misused as an instrument of political witch hunting. I believe the government has decided to repeal the NAB Ordinance and replace it with a system that is across the board, transparent and within the accepted norms of the mainstream judicial system. The harsh provisions in the FCR are being done away with. A committee for PATA and another committee on FCR set up by the government are finalizing their recommendations. I have recommended to the Government that they change the name of the NWFP to Pukhtunkhwa, in response to a long-standing demand of the people of that Province.

In the realm of foreign policy it would be our endeavour to promote regional and international peace and security as well as the economic and social development of our people. The world has changed to market democracy. Our foreign policy would be geared to not only defense of territorial integrity and sovereignty but also promotion of commercial and economic interests. Pakistan can position itself as the trade and energy hub for South and Central Asia. We will strengthen our brotherly relations with Iran and take our time-tested and all-weather friendship and strategic partnership with China to greater heights. With the United States and our European partners we will endeavour to build a long-term partnership that is broad-based and mutually beneficial. Pakistan will continue to extend full support to the Palestinian cause of self-determination. We value our ties with Saudi Arabia, the UAE, and Libya. We will rejuvenate our relations with the Arab League, the OIC and ASEAN to promote bilateral trade and investment. With the Islamic and Arab countries we enjoy excellent relations. We will further develop our friendship with the countries of Asia, Latin America and Africa.

We underscore our commitment to the principles of the UN Charter, international law and values of our common humanity.

Democracy in Pakistan has finally been restored; but it is still a tender sapling which needs nurturing before it becomes a great sheltering tree. There are still elements, who want to derail it yet once again. With faith in democracy and national reconciliation as envisaged by Shaheed Mohtrama Benazir Bhutto we must remain vigilant against such elements. The people of Pakistan have great hopes and expectations from this Parliament. To help them realise their dreams we need to join hands and work together in harmony and not in discord. We need to banish forever the politics of destruction and confrontation. The people yearn for a better future. They long for a Pakistan that was envisaged by the Quaid-e-Azam Mohammad Ali Jinnah and Quaid-e-Awam Shaheed Zulfiqar Ali Bhutto. That indeed is the Pakistan for which Shaheed Mohtarma Benazir Bhutto gave her life. That is the Pakistan for which we will live. And that is the Pakistan for which I, as President, will lend you all support. As someone who has walked from a death cell to the Presidency, let me assure you, nothing is impossible. I can steer the country out of darkness with the help of this Government. I am confident that you will rise to their expectations and not disappoint our people. Let us pledge to help build together a secure, strong and prosperous Pakistan. May Allah help us in this noble mission.

* <http://www.president.gov.pk/Pages/SpeechDetail.aspx?Id=9&TypeId=2> accessed 10/6/2009

**Ministerial Statement: Enhanced Australian
Engagement with Pakistan
The Hon Stephen Smith MP*
23 February 2009**

Mr Speaker, last week I visited Pakistan, the first visit to that vitally important country by an Australian Foreign Minister for over a decade.

My purpose was to enhance bilateral relations and to urge decisive action by Pakistan against terrorism and against extremists crossing the border into Afghanistan.

I had detailed discussions with President Zardari, Prime Minister Gillani, Foreign Minister Qureshi and Chief of Army Staff General Kayani. I also visited Peshawar and the Khyber Agency to receive briefings from local military commanders on the security situation in the Afghanistan-Pakistan border area, including the North West Frontier Province and the Federally Administered Tribal Areas.

Pakistan is one of the most strategically important countries in the world. Critically located at the intersection of South Asia, Central Asia and the Middle East, Pakistan has a direct effect on Australian security interests, as well as the security and stability of its immediate region and beyond.

As is well known, the acute problems in the Pakistan-Afghanistan border area have adverse implications for Afghanistan, where nearly 1100 Australian troops are part of the UN-mandated international effort to stabilise that country.

Pakistan itself is also facing a number of other complex internal challenges. These range from the threat of extremism and terrorism, accommodating millions of Afghan refugees, and dealing with serious economic difficulties, both cyclical and structural. With a population of 170 million, Pakistan has the second largest Muslim population in the world, and on current projections will overtake the larger Muslim population of Indonesia by mid-century. Pakistan is also a nuclear armed state outside the Nuclear Non-Proliferation Treaty. Pakistan has recently returned to democracy after years of military rule.

Recognising its importance and the challenges it faces, the Australian Government is committed to a closer and enhanced engagement with the democratic Government of Pakistan.

Australia has had continual diplomatic representation in Pakistan since its inception. We also have affinities based on a common British colonial heritage and people to people contacts on which to build. There are, for example, about 5000 Pakistani students studying in Australia. Both countries have, of course, a shared passion for cricket.

Australia also welcomes Pakistan's readmission to the Commonwealth, a forum in which we look forward to cooperating on issues of mutual interest. Australia again thanks Pakistan for its support for Australia being granted observer status with the South Asian Association for Regional Cooperation (SAARC).

These developments are positive, but overall Australia has not paid nearly enough attention to Pakistan. In part this is because trade between our two countries is relatively modest, reaching \$644 million last year.

But whatever historically might explain it, we cannot afford to neglect a country so strategically vital to international security.

Foreign Minister Qureshi and I agreed last week that Australia and Pakistan must look to build economic links. Australia cannot afford to ignore a market of 170 million people. We are now examining ways of boosting bilateral trade, including investment.

Australia is an inaugural member of the Friends of Democratic Pakistan Group. I attended the first Ministerial meeting of this group last September at the United Nations. The Friends Group includes the United States, United Kingdom, the United Arab Emirates, Saudi Arabia, China, Canada, Germany, Italy, Japan and Turkey, all of which, like Australia, are committed to assisting a democratic Pakistan tackle its internal challenges.

These challenges are economic and social ones as well as the issues of security and extremism which afflict Pakistan today.

In Pakistan last week I announced that Australia would substantially increase development assistance to Pakistan, focusing on health, education and governance. Australia will contribute an additional \$5.2 million to support a new phase in the Fred Hollows Pakistan-Australia Eye Care Project.

Australia recognises the importance of democratic institutions, government accountability and transparency in Pakistan. I informed Foreign Minister Qureshi that Australia would contribute \$2.9 million to build community participation through the Strengthening Participatory Organisations program.

Australia is also providing ongoing assistance on irrigation management in the mango and citrus and dairy sectors, through

the Agriculture Sector Linkages Program. These programs will be extended until 2011.

Our trade and investment relationship in the area of agri-business will be boosted by a \$100,000 project to deepen the agri-business and science links between our two countries.

In expanding our development assistance partnership, Australia will look to boost aid to North West Frontier Province and the Federally Administered Tribal Areas.

Australia will build on these initiatives over the coming months and years.

Australia, as a friend of democratic Pakistan, stands with the Government of Pakistan in its fight against terrorism and extremism. Australia will assist Pakistan as it deals with this challenge. In that context, Foreign Minister Qureshi and I welcomed increased Defence cooperation between Australian and Pakistan, including forthcoming talks between Chiefs of our Defence Forces. This year, Australia will also increase four-fold to 40 training places in Australia offered to Pakistani security and defence personnel. Australia's Ambassador for Counter-terrorism, Bill Paterson, also visited Pakistan in the week beginning 9 February for discussions with key counterparts.

Australia will assist Pakistan to counter terrorist financing through the provision of technical assistance and training to Pakistan's Financial Intelligence Unit. Mr Qureshi and I also signalled that Australia and Pakistan would finalise shortly MOUs on police cooperation and counter-narcotics. Mr Qureshi and I discussed the importance of Pakistan taking determined steps against extremist networks. We also discussed the steps Pakistan

is taking to bring the perpetrators of the Mumbai terrorist attacks to justice.

As I made clear in Pakistan, Australia, too, has a vital interest in these investigations because two of our citizens were murdered in the Mumbai attacks. We welcome Pakistan's recent steps to provide further information to India and the arrests and actions it has taken to date. These are important and welcome steps but determined action must continue.

It is crucial to regional stability in South Asia for Pakistan and India to have constructive relations. We hope that the Composite Dialogue can be resumed. Pakistan must take determined and transparent steps to bring the perpetrators to justice, to dismantle the terrorist networks, especially Lashkar-e-Toiba (LET) and related groups, and to prevent further attacks on India.

As I have mentioned, Pakistan is vital to the security and stability of Afghanistan. I have seen for myself the challenges and complexities of the Pakistan-Afghanistan border.

From my visit, I developed a very good appreciation of the difficulty of the topography, the difficulty of the terrain of the border regions, and the ease with which insurgents can cross the border. Perhaps more importantly, I got a very good appreciation of the tribal history and the culture of the movements across that border. In that context, Australia welcomes improved relations between Pakistan and Afghanistan. President Zardari has been instrumental in this recent improvement.

President Zardari has also made clear that the threat of militancy in the border regions is not just a danger to Afghanistan but a

threat to Pakistan itself, which threatens the existence of the Pakistani state.

Equally important will be continued coordination between Pakistani, Afghan and international security efforts in the border regions. International Security Assistance Force (ISAF) operations in Afghanistan will affect the Pakistan side of the border and vice-versa.

Much progress has been made, but with additional US forces deploying to Afghanistan it will be vital to ensure that ensuing gains in Afghanistan are complemented by decisive action in Pakistan.

For the last 12 months the Australian Government has been saying that there was an acute problem in the Afghanistan-Pakistan border area that had adverse implications for Afghanistan. In the course of last year, we also started to say we believed we had a serious problem in Pakistan which needed to be addressed. That's now acknowledged and appreciated by the international community, just as it is by Pakistan.

That's one of the reasons, for example, why Ambassador Holbrooke was appointed by President Obama to be an envoy, not just for Afghanistan, but for Pakistan and Afghanistan. While taking into account their distinctive histories and circumstances, the challenges facing these two countries need to be treated together and at the same time. Australia welcomes Ambassador Holbrooke's appointment. We also welcome his recent visit to Pakistan, Afghanistan and India.

Mr Speaker, as you will be aware the United States is undertaking a review into its Afghanistan strategy, coordinated by Bruce

Riedel. Australia welcomes the participation of Afghanistan and Pakistan, through their respective Foreign Ministers, in that review.

As I have long made clear, three elements are required for success in Afghanistan.

The first is military enforcement to defeat the extremists and create an environment in which peace, security and development can occur.

The second is a civilian reconstruction effort to build the capacity of the Afghan Government to manage its own affairs, from providing peace and security, to government services and infrastructure.

In addition, at some stage, a political dialogue will be necessary. Such a dialogue in the first instance will be a matter for the Afghan Government and people.

The Afghan Government's own conditions for political reconciliation include that those involved must stop supporting insurgents, lay down their arms and respect the Afghan constitution. It's clear that the current circumstances in Afghanistan do not yet allow such a dialogue, but a solution to the insurgency in Afghanistan won't come through military means alone. In Pakistan, a similar combination of elements will be necessary to stabilise the border regions with Afghanistan.

Members will be aware of media reports about a peace deal in the Swat Valley, Pakistan. Details of this agreement remain unclear, a point made by me, US Secretary of State Clinton and others. I

understand, in part, the deal is aimed at re-establishing the legal system at the local level which has essentially broken down.

We respect Pakistan's decision to pursue local-level agreements as part of a strategy to stabilise the border regions. We will need time before we can judge the impact of this deal on the ground. As I said in Pakistan, such agreements have not worked in the past. Rather they appear to have let the militants come back stronger than before.

If this happened again we would be very concerned. But we would hope this time for a more positive outcome. A key test of this will be the effect the agreement has on the security situation, in Afghanistan as well as Pakistan.

In agreeing to such arrangements, the Pakistani Government needs also to ensure that its international human rights obligations are respected, including for women and children.

Australia recognises that Pakistan remains the first country of refuge for millions of Afghan refugees. Australia has and will continue to provide assistance to Pakistan to manage this situation, which is widely recognised as having contributed to instability in Pakistan. In 2007-2008 Australia provided \$1.5 million to the United Nations High Commissioner for Refugees (UNHCR) for a registration information project in Pakistan. The Minister for Immigration and Citizenship has today announced \$1 million to assist a UNHCR project to facilitate the voluntary repatriation of Afghan refugees from Pakistan as well as \$1.7 million in funding to CARE and the International Organisation for Migration to support the reintegration of Afghan refugees in their own country.

Lastly, I turn to counter-proliferation. In the past, Australia and many other countries have been concerned at the activities of Dr AQ Khan and others. His recent release from house arrest has been widely reported. We continue to urge Pakistan to ensure that AQ Khan's network is shut down. I made this point last week in Pakistan and underlined that the Australian Government is committed to strengthening the international counter-proliferation regime: an issue of first-order importance for international security.

I welcome the membership of former Pakistan Armed Forces Chief, General Karamat, in the International Commission on Non-Proliferation and Nuclear Disarmament chaired by former Australian Foreign Minister Evans and former Japanese Foreign Minister Kawaguchi. As on other difficult issues, close engagement with Pakistan on counter-proliferation is, in Australia's view, the best way of making progress.

Mr Speaker, I return to this fundamental point. Pakistan is a country vital to a range of Australian interests. It faces a number of serious internal difficulties.

Australia, like many countries around the world, is determined to assist the democratic Government in Pakistan tackling these challenges in our own interests and in the interests of regional and global stability.

*http://www.foreignminister.gov.au/speeches/2009/090223_pakistan.html
10/6/2009

accessed

Saving Democracy from the Democrats in Pakistan

Ashutosh Misra

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After sixty years of independence, Pakistan is still far from becoming a stable and representative democratic state. For half of its existence it has endured a succession of military dictatorships, interrupted by periods of rule by weak civilian regimes. Between 1947 and 1958, Pakistan was governed by a strong oligarchy between the bureaucracy and the military which was never interested in establishing a democratic order. In the years 1971-77, 1988-99 and 2002-2007 democratically-elected governments did come to power but on close scrutiny they were never truly democratic in decision- and policy-making and in terms of legitimacy. Pakistan has witnessed several variants of democracy mooted from time to time by military and civilian leaders to suit their particular interests. In this context, it is useful to examine how and why different forms of democracy have been envisaged from time to time, in order to understand what hinders the development of democracy in Pakistan.

The Five Variants of ‘Democracy’

1956-69: The first variant, often referred to as Pakistan’s ‘basic democracy’, was established under Field Marshal Ayub Khan. In this model, approximately one hundred thousand representatives were elected at the local level and comprised an Electoral College to elect the president. There was, however, no direct role for the people in forming government. Ayub’s hostility toward political parties and leaders was fairly evident when he accused them of “bringing the country to its knees through their misuse of power, corruption and factional intrigue”.¹ In 1959 he banned all political

parties and purged ‘troublemakers’ through the *Public (Disqualification) Order* (PODO) and *Elective Bodies (Disqualification) Order* (EBDO). After abrogating the 1956 Constitution, Ayub redesigned the 1962 constitution as a centralised presidential system concentrating arbitrary powers in the president’s hands. The system eventually collapsed due to its excessive reliance on the bureaucracy for the implementation of state policies.

1971-77: The second variant of democracy was created by Zulfikar Ali Bhutto under whom the legislature was formed through party-based general elections for the first time. In 1973 the constitution introduced a bicameral system, proclaimed Islam as a state religion (Article 227), constrained the president through the ‘binding’ advice of the prime minister (Article 48), and strengthened the system of parliamentary democracy. The Constitution also defined the role of the military in state affairs. Article 245(1) explicitly directed that “[a]rmed forces shall, under the direction of the Federal Government, defend Pakistan against external aggression or threat of war, and subject to Law, act in aid of civil power when called upon to do so.”² Article 6 further specified that “[a]ny person who abrogates or attempts or conspires to abrogate, subverts or attempts or conspires to subvert the constitution by use of force or show of force or by other unconstitutional means shall be guilty of high treason.”³ Article 69(3) prescribed the death penalty for anyone committing acts prohibited by Article 6.⁴ Bhutto established Pakistan’s first parliamentary democracy and was instrumental in creating constitutional safeguards against military misadventures. However, blinded by his political success, in practice Bhutto himself began to display authoritarian tendencies. The Prime Minister became the supreme arbiter of defence policies and tried to tame the military and bureaucracy without parliamentary

debate.⁵ The contradictions in Bhutto's policies and his disrespect for the Constitution by repeatedly resorting to section 144 (disallowing public gatherings), suppressing the opposition and exercising emergency powers following electoral reverses undermined his regime and popularity. Similarly the 'Punjabisation' of the army and prime ministerial 'interference' in its internal matters did not auger well with the military.⁶ Ultimately, the appeasement of the *ulema* for religious legitimacy failed to rescue his dwindling popularity and the Islamists joined the Pakistan National Alliance (PNA) against him. In the wake of nationwide protests in early 1977 over allegations of electoral fraud, General Zia overthrew Bhutto on 5 July, 1977 and in 1979, Bhutto was executed.

1985-88: The third variant of democracy was created by General Zia, who was a key figure in undermining democracy and pushing Pakistan toward the path of Islamisation. Zia was the cornerstone of the Afghan Jihad with American financial and military support. He backed the establishment of Nizam-e-Mustafa "Order of the Prophet" through a series of Islamic reforms. Under Zia's rule, thousands of Jihadis prepared for the Afghan war and the military-Jihadi-intelligence (Inter-Services Intelligence) nexus was created to expand Pakistan's regional influence. To consolidate his power domestically, Zia promulgated the *Provisional Constitutional Order* (PCO) on March 24, 1981, which rendered the courts completely marginalised and ineffective. The press was banned and all newspapers were shut down through "press advice" and "press-censorship" measures. In 1984 he held a referendum as a stamp of approval for his autocratic rule, which gave rise to democratic opposition under the Movement for the Restoration of Democracy (MRD). Under pressure, Zia devised a democratic guise and held elections in February 1985 followed by the *Revival of Constitution Order* (RCO) on March 2, 1985, which altered the

basic tenets of the 1973 Constitution. A powerless Prime Minister Mohammad Khan Junejo was forced to accept the Constitution as a trade-off for the lifting of Martial Law and thus approved the draconian Eighth Amendment article giving the president the powers to dissolve the national and provincial assemblies when in his opinion the government was not able to function constitutionally.⁷ The president reserved the right to nominate the prime minister, governors of the provinces and judges of the High Courts and Supreme Court, including the chief justice. The system ended in 1988 with General Zia's death in a plane crash.

1988-99: The fourth variant of democracy functioned between 1988-99 in which the parliament lacked autonomy in decision and policy making. During this period Benazir Bhutto served as Prime Minister from 1988-90 and 1993-96 and Nawaz Sharif was Prime Minister from 1990-93 and 1997-99. In addition to constitutional curbs, democracy also suffered from the bitter animosity between Bhutto and Sharif. Both of them consistently interfered in the appointment of Army and Naval Chiefs, Supreme and High Court Judges and Governors of Provinces. Corruption and nepotism became rampant and public faith in parliamentary democracy began to wane. Consequently, when one was overthrown by the President, the other did not oppose the sacking. Such political disunity and mistrust among its leaders is one of the main impediments for democracy in Pakistan. Time and again political parties and leaders aligned with the military at the slightest sign of strain on the democratic system rather than addressing its problems collectively. This decade of democracy ended with a military coup in October 1999.

2002-07: The fifth variant of democracy, known as “guided democracy”, was created by General Perez Musharraf in the run up to the October 2002 elections. He created the Pakistan Muslim

League-Quaid-e-Azam (PML-Q) also known as the “King’s Party” out of the defectors from the Pakistan Muslim League–Nawaz Sharif (PML-N) who chose a portfolio over prison in a bargain with Musharraf. He also helped the Islamist parties, the Muttahida Majlis-e-Amal (MMA), to win over 60 seats in the national assembly and to rule outright in two provinces. The mainstream parties, PML-N and PPP, were marginalised by disqualifying many candidates on technical grounds and Bhutto and Sharif were refused permission to return to Pakistan. In this guided democracy, the Prime Minister (initially Zafarullah Khan Jamali and later Shaukat Aziz) merely implemented the *diktats* of President Musharraf and the PML-Q legislators, and the MMA facilitated his tampering with the Constitution by passing the *Legal Framework Order* (LFO or the seventeenth amendment). The LFO augmented the president’s powers and entrenched the Army’s role in politics further by creating the National Security Council, a supra-national body to monitor the government’s functioning. General Musharraf held twin posts as President and as Army Chief and ran his authoritarian regime under the façade of guided democracy. Another factor which sustained this system was Pakistan’s alliance with the United States in the war on terror.

The Two Variants of Democrats

From the discussion above, it can be discerned that Pakistan’s armed forces have only granted sufficient space for democratic forces to pacify public opposition to authoritarianism. The view of the international community, apart from the US, has never been of much concern. Thus, every time a coup occurred Pakistan was suspended from the Commonwealth, but it meant little to the military regime. Ongoing US support has always been the key for military regimes in Pakistan and is considered more useful than

democracy. This left the dictators only to manage domestic pressures, over which the US had marginal control. As a result the different variants of democracy were envisaged primarily for a domestic audience.

From the five variants of democracy discussed above, two types of democratic leaders can be identified in Pakistan. The first includes military dictators - Field Marshal Ayub Khan, General Zia ul Haq and Pervez Musharraf - all of whom promoted the interests of the armed forces under the garb of democratic accountability. The military itself has always been apprehensive of democratic movements which preceded the ouster of Ayub Khan, Yahya Khan, Zia-ul Haq and Pervez Musharraf. This suggests that the rise of democratic forces is contingent upon the loosening of the military's hold over power.

The second type of democrat consists of the civilian forces, mainstream parties, and leaders whose political misconduct when in power has harmed the interests of democracy. In the formative years of Pakistan, for example, the Muslim League's sole concern was the creation of a separate Muslim state, unmindful of any concrete plan for effective governance. Having a weak political base and organisation, the League was led by powerful factional leaders from the urban professional class whose political base was in India. After Pakistan's independence, landlords with sweeping inherited privileges were uncomfortable with the procedures of decision-making through debate, discussion, compromise and majority vote. The ruling elites were uninterested in strengthening the electoral process and allowed the military under Ayub Khan to grab power on the pretexts of economic crisis, soaring prices, shortage of essential commodities, smuggling, maladministration and corruption.⁸ The two constituent assemblies of 1947-54 and 1955-56 spent eight years discussing the role of Islam, the nature

of an Islamic state, the appropriate distribution of powers between the provinces, representation in the federal legislature, and the electoral structure.⁹ A highly centralised system of governance evolved, leaving the bureaucracy reliant on the military for assistance in civilian administration matters dealing with natural disasters, the maintenance of law and order and coping with socio-economic problems. In the 1970s, when parliamentary democracy was finally established, political leaders played a key role in undermining its consolidation and development. For example, in his pursuit of absolute power, Bhutto trampled on the principles which are at the core of democracy. Gross electoral manipulation, imposition of Article 144 (banning public gatherings), appeasement of the *ulema*, using the ISI to spy on political adversaries and his disregard for electoral outcomes made Bhutto unpopular and prevented democracy from taking deeper root. Equally, his daughter and the second popularly elected prime minister in Pakistan, Benazir Bhutto, failed to grasp the essence of a democratic polity. During her tenures as prime minister her energy was spent more in undermining the PML-N opposition and less on providing efficient governance to the people. Interference in military's affairs, appointment of judges and governors made her unpopular with the presidency, military and judiciary. Above all, accusations of corruption and economic mismanagement directed toward her and her husband Asif Ali Zardari, dented the popularity of her regime and of democracy in general. Her political opponent, Nawaz Sharif, was hardly an improvement.¹⁰ After a decade of bungling and mismanagement from 1988-99, democracy failed to evolve into a vibrant alternative to military rule. In the end, both leaders were ousted from the country by the military, leaving their parties disoriented and leaderless.

Ignoring Lessons of History

Showing some intent to learn from their past mistakes, in June 2006 Benazir Bhutto and Nawaz Sharif signed a 36-point Charter of Democracy. It consisted of four parts including constitutional amendments, a code of conduct, free and fair elections and a charter for civil-military relations. The Charter called for making the prime minister the real chief executive with full powers and authority, and determining clear rules and guidelines for the selection of the chief election commissioner, chief justice and judges of the superior courts. The Charter also called for restoring the 1973 Constitution and the repeal of the LFO and the Seventeenth-Amendment bearing the provisions related to the creation of a joint electorate, reserved seats for women and minorities, and lowering of the voting age. The Charter emphasised the need for democratic forces to unite against military rule and refrain from aligning with the military in all situations. Just when a substantial opposition had begun to have the desired effect on General Musharraf's regime, political expediency again convinced Benazir Bhutto to reach a deal with Musharraf to facilitate her return to Pakistan in October 2007, leaving the Charter and the opposition out in the cold. The deal included receiving immunity from the president against prosecution, contesting elections and supporting Musharraf for another five years as president. The deal eventually failed when Benazir Bhutto was assassinated on 27 December 2007 and Nawaz Sharif forced himself back into the country in preparation for the elections. The deal nonetheless revealed the vulnerability of the democratic leaders to political opportunism.

Resisting Change: Democrats Yet to Understand Democracy

Today, parochialism and political expediency still prevent the rise of democracy after eight years of dictatorship. In the February 2008 election, in spite of a wave of sympathy, the Pakistan Peoples Party (PPP), led by Benazir's widower Asif Ali Zardari, could not secure a majority. The PPP got 120 seats, PML-N 90 and Musharraf's PML-Q 51 seats. The only positive feature of the election was that the Islamists (MMA) were routed with only 6 seats and so was the King's Party. In the tribal areas, no political party won any seat with all seats going to independent candidates: this gives a fair idea of the alienation of the people and the influence of extremism there.

The election result is the beginning of a new round of democratic experimentation in Pakistan. The PPP and Pakistan Muslim League have formed a coalition government. Asif Ali Zardari is the President, with a PPP candidate as Prime Minister in place as well. Unfortunately, the PPP-PML-N alliance fell apart over the issue of the restoration of the Supreme Court Chief Justice Iftikhar Chaudhary, with Asif Ali Zardari refusing to reinstate the judiciary which was purged by Musharraf's brazen proclamation of emergency on 3 November 2007. The PPP commands the Senate, the National Assembly and three provinces and yet Zardari craved more influence. His move to disqualify Nawaz Sharif and his brother Shahbaz Sharif, the Chief Minister of Punjab, from contesting elections and the dissolution of the popularly elected Punjab Assembly recalled the political vendetta that had once characterised PPP-PML-N relationships. The move was aimed at pressuring the Sharif brothers to approve the extension of the sitting Supreme Court Chief Justice Abdul Hameed Dogar in return for revocation of the disqualification order. The move backfired and the Sharif brothers did not

compromise, leading to one of the largest political mobilisations in recent years against Zardari's democratic autocracy. Eventually, on the good advice of the Prime Minister Yusuf Reza Gilani, Zardari approved the reinstatement of the former Chief Justice Iftikhar Chaudhary and other judges. But he is still reluctant to abolish Article 58(2)(B), ironically an issue on which there is a consensus across the political divide that it is detrimental for democracy. Yet when there is an opportunity to get rid of it, the self-styled "saviours of democracy" are yet again unable to rise above their personal interests and yearning for absolute power.

It baffles observers of Pakistani politics that political leaders fail to take lessons from history. Zardari too has fallen prey to the allure of political supremacy. People expected Zardari to undo his past image and justify his role as the successor of Benazir Bhutto, and provide much-needed impetus to democracy - but he acted otherwise. He has alienated not only his PPP supporters but his own Prime Minister Yusuf Reza Gilani and Cabinet Ministers. Sherry Rehman, a close confidante of Benazir Bhutto, resigned as the Minister for Information and Broadcasting in the wake of curbs ordered on the media by Zardari. He is also accused of constantly interfering in the daily workings of the Prime Minister. Does this mean that Nawaz Sharif is a better option? It is ironic that Nawaz Sharif has gained moral ascendancy following the reinstatement of Chief Justice Chaudhary and other judges given that he made a mockery of the Supreme Court in 1997 by imprisoning the Supreme Court Chief Justice who had agreed to hear corruption cases against him. Whether he is prepared to learn from past mistakes is yet to be seen. On the basis of Asif Ali Zardari's conduct, it can be construed that democracy is yet to be fully understood by the so-called saviours of democracy who only believe in the rhetoric of democracy and are reluctant to follow it to the letter and the spirit. If democrats do not value democracy,

it is hard to blame the military and Islamists for their conduct. If democracy has to be saved in Pakistan, it must be by the democrats.

¹ Ian Talbott, *Pakistan: A Modern History*, (New Delhi: Oxford University Press, 1998), p 127.

² Makdoom Ali Khan (ed.), *The Constitution of the Islamic Republic of Pakistan*. 1989. Pakistan Law House; p. 202.

³ *ibid*, p.7.

⁴ Hassan Abbas, *Poleaxe or Politics of the Eighth Amendment 1985-1997*. 1997. Watandost. Lahore p. 34.

⁵ *ibid*.

⁶ Saeed Shafqat, *Civil Military Relations in Pakistan From Zulfikar Ali Bhutto to Benazir Bhutto*. 1997. West View Press; Colorado. p.177.

⁷ Makdoom Ali Khan (ed.), *The Constitution of the Islamic Republic of Pakistan*. 1989. Pakistan Law House; p. 39-40.

⁸ Hasan Askari Rizvi, *Military, State and Society in Pakistan*. 2000. St. Martin's Press, New York. p. 69.

⁹ Hassan Abbas, 1997, p.18.

¹⁰ See Shahid Javed Burki, *Pakistan Fifty years of Nationhood*. 1999. Vanguard Books; Lahore. p.79., & Ian Talbot, *Pakistan A Modern History*. 2003. Oxford University Press; Oxford. P. 326. & Maleeha Lodhi, *Pakistan's Encounter with Democracy*. 1994. Vanguard Books; Lahore. pp 244-247.

Contemporary India-Pakistan Relations:

A View from New Delhi

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Introduction

This essay describes India-Pakistan relations from the point of view of the strategic elite in New Delhi, though the prescriptions and prognoses it provides at times diverge from this perspective.

For many Indians, contemporary India-Pakistan relations are historically unprecedented. First, the level of asymmetry between the two South Asian states has risen dramatically in recent years. India and Pakistan are now rarely characterised as two neighbours engaged in an interminable and potentially self-destructing dyadic conflict. Rather, one of them – India - is a self-confident rising power, whilst the other – Pakistan - is a failing state struggling to remain territorially cohesive. Second, the perception of the international community regarding the two countries has also changed. India is no longer perceived as a country that contests the international order, or one that is difficult to understand or manage; instead, India is the international community's great hope in South Asia, a stabilizing actor in an otherwise troubled region and one that has risen to the rank of stakeholder in the international system rather than a challenger, as in times past. Pakistan, in contrast, is looked upon as a state that has both willingly and unwillingly contributed to much of the contemporary world's instability. It is regarded by many as the 'epicenter' of global terrorism. Third, most international actors today do not refer to India as the culprit when it comes to the Kashmir issue, and the international community does not insist on a solution to Kashmir that would be unfavourable to India.

Finally, the ongoing conflict between India and Pakistan is passing into history. Pakistan has lost its war against India over Kashmir as well as against Indian designs for regional preponderance.

I begin with a brief historical overview of the contemporary relationship between India and Pakistan. This is followed by an analysis of the apparent breakdown of recent peace talks between the countries. Finally, I examine what can be done to revive the peace process in the wake of the India's general elections.

India-Pakistan Relations: An Overview

From 1998 until the India-Pakistan peace process (begun in 2004), relations between the two neighbours were tense and uneasy. This was primarily the result of the Indian and Pakistani nuclear tests in May 1998 and then the 1999 Kargil conflict. Tension reached yet another high following a terrorist attack on the Indian parliament in December 2001, which led to a ten-month military mobilization on the border. This period was also marked by continuous low-intensity warfare and cross-border terrorism in Jammu and Kashmir (J&K) that was actively supported by Pakistan.

However, in January 2004, India and Pakistan launched a peace process at the Islamabad Summit of the South Asian Association for Regional Cooperation. The announcement of a composite dialogue to unravel the outstanding issues between the two countries was made in February 2004. This process of peace building at the highest policy-making level was continued by the Manmohan Singh-led government that succeeded the Vajpayee Government in May 2004. Singh and Musharraf met in New York in September 2004 and reaffirmed that they would “continue the

bilateral dialogue to restore normalcy and cooperation between India and Pakistan”.¹ Again in April 2005, the two leaders met in Delhi when Musharraf visited to watch an India-Pakistan cricket match. It was during this meeting that the two leaders underlined the fact that the peace process was now irreversible.²

The period between 2004 and 2008 saw many developments between the two countries, the most significant of which was the back channel negotiations between Indian envoy S K Lambah, former Indian High Commissioner to Pakistan, and his Pakistani counterpart Tariq Aziz, Advisor to the Pakistan President. The two discussed a potential solution to the Kashmir issue that would be to the satisfaction of both the countries.³ There was clear forward momentum on all outstanding issues, including the most contentious Jammu and Kashmir questions. Yet the enthusiasm that accompanied this development on Kashmir was severely affected by Musharraf’s deteriorating domestic approval. India, fearing that a post-Musharraf regime might overturn any agreement, became ambivalent towards signing any sort of deal. The peace process remained static until it broke down completely in 2008.

India-Pakistan relations have been tense since May 2008, when New Delhi accused Pakistan of violating the ceasefire along the Line of Control in J&K. After the July 2008 suicide car bomb attack on the Indian embassy in Kabul which killed 57 people, including senior Indian officials, the Indian Foreign Secretary Shiv Shankar Menon described the peace process as being “under stress”.⁴ Subsequently, after terrorist attacks in Bangaluru and Ahmedabad, Menon declared in Colombo, while launching the fifth round of the bilateral Composite Dialogue, that “India-Pakistan relations were at a four-year low”.⁵ However, many elements of the composite dialogue were sustained and the Indian

National Security Advisor and his Pakistani counterpart met in New Delhi in October 2008 for discussions that were followed by a special meeting of the bilateral Joint Anti-Terrorism Mechanism. In November, the fifth round of Home/Interior Secretary-level talks on terrorism and drug trafficking was held in Islamabad. All of this changed after the Mumbai attacks. In January 2009, New Delhi cancelled the previously scheduled talks on the Sir Creek maritime dispute with Pakistan, and since then the composite dialogue has remained suspended, unlikely to be resumed until after the general election in India. Additionally, between November and February there was the serious possibility of a military confrontation between the two countries.

India and Pakistan have gone from engagement in a five-year “irreversible” peace process, to being on the brink of war yet again. Now, the two countries have virtually no contact with one another. Before examining the failures of the peace process that resulted in India and Pakistan finding themselves largely back to square one with regards to their interaction and overall relations, it is pertinent to attempt an understanding of the enduring and destructive perceptions that the two countries have about each other.

Pakistan’s strategic perception of India has always been negative. Currently, it fears India’s involvement in Afghanistan and the associated goodwill the country engenders with its reconstruction efforts. Pakistan firmly believes this humanitarian work will negatively impact upon its interests in Afghanistan⁶ and is anxious that its nightmare scenario, the much dreaded two-front situation of an unfriendly Afghanistan allied to a militarily powerful enemy India, will actually occur. Pakistan has not forgotten that India played a crucial role in its 1971 fragmentation and many Pakistanis have pointed out in the recent past that

India should make efforts to reassure Pakistan that its integrity as a state will not be threatened by India.⁷ On its part, India also has deep apprehensions about Pakistan and its apparent continuous denial of critical issues. Pakistan's hostility towards India, its role in fomenting terror, its unwillingness to inject a sense of normalcy in bilateral relations and the multiple actors in the country that are destroying the country from within are all components of India's perception of Pakistan. Pakistan's declared objective of "bleeding India through a thousand cuts"⁸ still informs popular Indian imagination about Pakistan's relationship with it.

What Went Wrong?

Rather than rehashing the much repeated arguments that supposedly explain the failings of the India-Pakistan peace process, such as Pakistan's alleged perpetration of terrorism on Indian soil, India's ambivalence to the resolution of the Kashmir issue, India's uneasiness over China's military support to Pakistan and Pakistan's fears of Indian hegemonic designs, I prefer to make a conceptual argument about the problem with the Indian approach to conflict resolution with Pakistan. One of the key reasons India-Pakistan relations have failed to progress, or often end in a "one step forward, two steps backward" position, is because many Indians still do not understand how to deal concretely with the Pakistani state.

India remains confused over who to deal with in Pakistan: the army or the civilian establishment? It is also in a moral quandary because it does not want to lose its public image of a great "champion of democracy" by courting the military leaders of Pakistan and bypassing the civilians. More significantly, there is a larger failure of the Indian state to conceptualize the Pakistani state. For many Indians, the public as well as the foreign policy

elite, dealing with Pakistan generates an emotional dilemma. A multitude of variables, ranging from prejudice and betrayal to insecurity and sovereignty, have shaped India's understanding of Pakistan.⁹ This sociologically rich understanding of the multifarious nature of India-Pakistan relations deeply influences the way India has engaged with Pakistan since both countries' birth and its consequences are felt with every step of the tenuous India-Pakistan peace process.

India must re-assess its traditional modes of conflict resolution with Pakistan, as well as attempting to reform the aforementioned obstructive mindset. It must ask itself if it is putting a premium on the right things when it says that a foundation of trust and friendship must be created *before* it can talk meaningfully about resolving the various outstanding disagreements with Pakistan. Perhaps friendship and trust flow out of the resolution of major conflicts rather than the other way around.

Indeed, the Indian tendency to "wait for Godot" for the resolution of its conflicts with Pakistan is nothing new. Instead of resolving issues through available mechanisms, operative structures and processes intrinsic to the international system, India often resorts to empty symbolism and delayed action in its quest for the ideal conditions. The history of India-Pakistan relations is riddled with such instances. For example, Indira Gandhi's failure to make use of the post-1971 position of strength to finalise a deal on Kashmir with Pakistan is widely believed to be an act of generosity after a bitter clash with Pakistan. More recently, the dialogue with former President Musharraf on Kashmir, where by most accounts India and Pakistan came very close to inking a deal, came to nothing because India was waiting for the right moment to arrive, trust to be built and messy Pakistani politics to improve. Throughout this period of dialogue, it was business as usual:

people-to-people contacts, peace delegations, emotional speeches by politicians on both sides on the shared commonalities of the two countries, and so on. When the display of emotions and symbolism finally came to a grinding halt, there were no deals on any of the outstanding issues. The India-Pakistan to-and-fro will now have to start from scratch.

The failure of India to take advantage of historic opportunities to resolve its many outstanding issues with Pakistan is further complicated by the extraordinary challenges that the Pakistani state faces. Indian policymakers, while now slowly waking up to the new realities in Pakistan, are not yet sure how to push for conflict resolution with Pakistan at a time when the latter is facing threats to its very existence. India, in other words, needs to develop newer strategies to engage Pakistan as well as make peace with it.

What Lies Ahead?

In the short term, there is every possibility that Indians will engage Pakistan after a new government is formed in New Delhi. But from a long term perspective, we need to ask the question of whether two neighbours have reached a mutually hurting stalemate. In other words, has Pakistan's anti-India grand strategy finally backfired; has Pakistan realized it? What are the implications of this for the future of India-Pakistan relations? The post-Mumbai track-two workshops held under the aegis of various organizations saw many former high-ranking officials from Pakistan and India, from both the civilian as well as the military sectors, admitting that the Inter-Services Intelligence (ISI) has had an anti-India policy as the rationale for much of its activities in the past, even as they remarked that many of Pakistan's calculations through ISI have failed. For the ISI, however, it is

not easy now to suddenly conclude operations, or to change strategy despite the fact that there may well be an understanding that to do so would be to the greater benefit of the Pakistani state.

It is possible that upon accepting the flaws in Pakistan's historical approach to India, the strategic elite in Pakistan may find themselves willing and able to impress upon India the truly global nature of modern terrorism. Terrorism today is a common threat to all countries and most certainly so in the case of India and Pakistan. In India it has previously been difficult for this notion to find acceptance due to the popular perception there that all terrorism is the handiwork of Pakistan, used as a policy of statecraft against India. The participants in the above-mentioned track-two meetings were, however, willing to go beyond this popular perception and were willing to see reason in the Pakistani argument that terrorism is not something that Pakistani state actors can manage even if they wish to: it has gone beyond the control of the state and thus needs to be tackled jointly by the two countries. The argument about terrorism being a common threat to both the countries, if accepted by Indians, would have the potential to transform India-Pakistan relations. In other words, cooperating with Pakistan to resolve its terrorism problem may indeed be in India's strategic interests.

One of the things that both countries can do to counter terrorism is to sign a Mutual Legal Assistance mechanism (MLA), which can be established under the provisions of various SAARC conventions, but for that the two countries need to have implementing laws at home. An MLA would have the potential of addressing common threats emanating from terrorism.

Assuming that the India-Pakistan dialogue will resume following the elections to the Indian Parliament, a normalisation of

relations must also lead to a general paradigm shift in bilateral relations, where issues like water, environment and energy are seriously discussed between the two countries. It must be noted that India and Pakistan have cooperated bilaterally, as well as internationally, in areas other than security and defence. It is thus important that policy-makers put a premium on those areas and then slowly progress to more contentious areas. Trade is one such area that could be used as a foundation for better relations. A key strategy in conflict resolution is economic prosperity and linkages that benefit various actors in conflict. Bilateral trade in 2002-2007 went from 150 million to 2 billion USD. This can be increased and used to further stabilize India-Pakistan relations.

Sir Creek and Kashmir should also be addressed by the two countries after the resumption of talks. Much progress has been made by both India and Pakistan towards reaching a deal on Sir Creek and, as this is not one of those issues which ignites passions in India and Pakistan, it is a good issue to begin with. Today, even Kashmir is not as contentious as it used to be. It is widely understood that the various strands of a Kashmir solution which were being negotiated between the governments of Manmohan Singh and Musharraf should be revisited, since they involve three important elements which are widely perceived to be critical to resolving it: non-alteration of the borders of J&K, self governance, and some form of joint consultation mechanism between the two countries. However, since Pakistan is becoming increasingly sensitive about Indian strategies in Afghanistan, it is likely to insist that India should keep a low profile in Afghanistan as a bargain for not pushing India too far on the Kashmir issue. Consider that Pakistan has today virtually given up its traditional positions on Kashmir.

India should not try to make dividends from a failing Pakistan which will be counterproductive in the longer run. On the contrary, it should reassure Pakistan that it is interested in the existence of a modern and moderate Pakistani state. Sabre-rattling by India would only precipitate the inability of the Pakistani state to deal with its own problems. India must realize that it is in its own interest to have a stable and peaceful Pakistan and act accordingly; peaceful coexistence of neighbours presupposes the existence of responsible and stable governments. India, in other words, cannot turn a blind eye to what is happening in its neighbourhood and certainly can never ignore its regional responsibilities. It can never emerge as a great power if its neighbourhood is in turmoil. India needs to base its Pakistan policy on positive unilateralism, careful interdependence and the promotion of regional approaches to peace and stability.

¹ India - Pakistan Joint Statement, September 24, 2004, New York. Available online at <http://pmindia.nic.in/speech/content.asp?id=26>

² Terry Friel and Kamil Zaheer, "Peace 'irreversible': India, Pakistan soften on Kashmir". Available at <http://www.alertnet.org/thenews/newsdesk/SP23347.htm>

³ "India-Pakistan were very near deal on Kashmir: Former Pak minister". Available at <http://www.rediff.com/news/2009/feb/19kashmir-solution-was-very-near-fmr-pak-min.htm>

⁴ "Indo-Pak peace process under stress: Menon". The Indian Express, July 21, 2008. Available at <http://www.expressindia.com/latest-news/IndoPak-peace-process-under-stress-Menon/338465/>

⁵ "India: Pakistan ties at 4-year low", USA Today, 1 August 2008 at http://www.usatoday.com/news/world/2008-08-01-india-pakistan_N.htm

⁶ Recent Pakistani and Indian thinking on most critical issues between India and Pakistan have been gauged from the recent track-two conferences that were held after the Mumbai terror attacks. The conferences that are referred to are the following: 1) Pugwash track-two meeting on 'Prospects for Restarting the India-Pakistan Dialogue' Islamabad, Pakistan, 5- 6 March 2009; 2) 'Confidence Building Between India and Pakistan: Post Mumbai Attacks', Bangkok, 30-31 March 2009, organized by the Delhi-based think tanks Public Policy Research Group and the Institute of Peace and Conflict Studies; 3) Pugwash meeting in the Hague on 'Regional Stability in Central and South Asia: The situation in Afghanistan, and India-Pakistan relations', 17-20 April 2009. I

argue that Indian and Pakistani thinking at the higher levels of strategic community in both the countries can be gauged, if not comprehensively, from these track-two conferences for multiple reasons. One, these meetings were held at a time when there were no official contacts between the two countries; two, they were attended by formerly high-ranking officials in the Indian and Pakistani establishments who continue to maintain close contacts with their respective governments, and; three, since these meetings were held under Chatham House rule, the participants were willing to discuss issues in a frank manner.

⁷ Ibid.

⁸ Devised by the Pakistan Army after its defeat in the 1971 civil war in East Pakistan, which became Bangladesh, *Asia Times* on line, 8 April 2005

⁹ for an example of this line of argument see Amitabh Mattoo, "India-Pakistan Relations: Toward Grand Reconciliation?" p. 1 in Amitabh Mattoo, Kapil Kak and Happymon Jacob *India and Pakistan: Pathways Ahead* Amitabh Mattoo, Kapil Kak and Happymon Jacob (Eds) (Knowledge World: New Delhi, 2008)

Reviewing Pakistan–US Relations under the Obama Administration

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Pakistan’s relations with the United States have been one of the most important and highly controversial aspects of its overall foreign policy. As old as the creation of the state of Pakistan, not only have these relations undergone many phases, but it has also been a partnership of unequals. As one Pakistani analyst points out, “since it was an uneven relationship from the start, ups and downs...were inevitable...[the two sides] entered the alliance relationship from different perspectives and with different objectives. There was thus no shared threat perception.”¹ There are many myths, conspiracies, controversies and politics that surround the relationship between these two countries. Countless volumes describe the nexus between the internal and external dimensions of both countries and, many times, it has been mockingly suggested that the Pakistani decision-making and state apparatus pivots around the triad of Allah, Army, and America.²

For Pakistan, US support has always been crucial, given its inherent vulnerabilities and its pervasive security dilemma with India. Security issues not only made the US a very important actor in regional dynamics in the role of a power balancer, but also brought the global Cold War home, thus placing alliance partnerships, containment of the Soviet Union and the politics of bipolarity at the centre stage of Pakistan’s strategic lexicon. However, the altered security discourse in the post September 11 environment transformed the dynamics of the Pakistan–US relationship. Faced with a unipolar world, where the decades-old policies of military alliances and bipolar politics no longer applied,

the end of the Cold War and especially the post 9/11 US-led ‘war on terror’ compelled Pakistan to make major policy changes. Prior to 9/11, Pakistan-US relations weighed heavily on the internal issues of democracy, nuclear non-proliferation, Kashmir as a destabilising factor and regional stability in general. Since 9/11 the issue of terrorism has become the main focal point in this relationship. This commentary will focus on the new epoch in Pakistan – US relations under the Obama Administration. Does the new Administration represent a complete departure from its predecessor, whose foreign policy resulted in increased anti-American sentiment not only in Pakistan but elsewhere as well, or is there evidence of policy continuity? Lastly, given the rapidly altering security dynamics, what is the likely future of Pakistan-US relations?

The Optimists’ Case

The election of Barack Obama as the US president led to much rejoicing and jubilation worldwide, as it holds the promise for a better America. President Obama is young, focused on improving the lot of his people and is the first black American president. Coming from a truly multi-ethnic background he identifies with America’s classic image as a racial melting pot and offers the potential for a non-racial US. His election mantra was of change for the better! In Pakistan, like elsewhere, opinion was divided between optimists and sceptics.

To start with, let’s look at the optimists’ case. Had there been a voting caucus for Pakistan, Obama would have won easily. There is no denying the fact that Obama stood for change in the US, and many in Pakistan welcomed the prospect of change in US foreign policy. During the Bush years, Pakistan had to absorb the consequences of US military engagement in Afghanistan.

Geographic congruity, ethnic affinities and a shared border with Afghanistan has turned the entire province into a virtual war zone. As of 2008, use of Unmanned Aerial Vehicles (UAVs) by the Allied forces stationed in Afghanistan to target persons and places inside Pakistani territory became a major sore point in Pakistan-US relations. Pakistan's participation in the war on terror has resulted in an increased level of terrorism and militancy within the country. In Pakistan, as elsewhere, people, albeit in moderate and muted voice, started to protest against the US treatment of alleged terror suspects at the Guantanamo Bay detention facilities. The increased acts of rendition further contributed to an increased anti-Americanism in the country. The Musharraf government lost domestic support, the increased insecurity adversely affected the economy and, above all, the North West Frontier Province along with the tribal belt has been hard hit. This will take generations to recover and rebuild.

Even neighbouring Afghanistan, where the Karzai government is entirely dependent on the US for its security and survival, showed its displeasure at the aggressive American aerial attacks causing worsening security and misery for Afghans. Showing his displeasure at the desperate state of affairs, at a news conference Karzai said that, "If we had a *chelak*, we would throw it and stop the American aircraft."³ Seeking an end to the prolonged Allied presence he further said:

"I asked for a timeframe for the elimination of terrorism in the military campaign. I did not ask for a timeframe for the withdrawal of foreign troops....We asked the international community to come to Afghanistan to better not to worsen the situation. We don't (want) a war forever, we want a clear future."⁴

If these are the sentiments of the favourite prodigy, anti-American feelings elsewhere are no surprise.

The eight long years of US military engagements in the name of pre-empting Al Qaeda and preventing the spread of global terrorism has made the world an extremely dangerous place. Each country is now engaged in its own battle against ‘terrorism’. The mounting casualties among the Allied troops in Afghanistan have made participating countries think twice before pledging more support; a situation made worse by the pressures of the global financial crisis.

So support for Obama seemed a logical way out of this situation. It offered people in the USA the chance to vote out Bush and his policies. It further provided a promise for jobs, health and social security, as well as disengagement from the war in Iraq. A similar view was held by the Pakistani people: it is widely believed that the Democrats are more likely to support Pakistan than the Republicans.

The Sceptics’ Case

As Barack Hussein Obama moved from a mere presidential candidate to president elect to the 44th President of the US on 20 January 2009, the pendulum of opinion swung unpredictably between the optimists and sceptics in Pakistan. Those who until the eve of his election were optimistic about a complete policy reversal in the US gradually moved towards the sceptics’ position.

Obama, as a presidential candidate in one of the major primaries, actually advocated more military strikes within Pakistan if so required; by contrast Republican candidate McCain advocated a soft power approach. In August 2007, Obama said that if he was elected he would be willing to use force inside Pakistan with or without the approval of the Pakistani government: “If we have

actionable intelligence about high-value terrorist targets and President Musharaf won't act, we will.”⁵ He further said that he would make hundreds of millions of dollars in US military aid to Pakistan conditional on the country making substantial progress in evicting foreign fighters, closing down training camps and preventing the Taliban from using Pakistan as a staging area for attacks on Afghanistan.

Obama's statement dampened the spirits of many in Pakistan, who were genuinely and sincerely looking forward to better working relations with the US. In order to soothe the situation, the White House immediately responded that the US was alive to the fact that Pakistan is working hard to fight Al Qaeda and the Taliban, and that Washington was doing what it could in support: “At the same time, we recognize the sovereignty of the Pakistani government and realize that they're putting on a serious push ... They're taking the fight to Al Qaeda.”⁶

With the Obama administration reaching its 100th day benchmark, the mixed signals emanating from Washington have now firmed up somewhat through the development of a regional policy that seeks to balance military counter-terrorism with a more ambitious nation-building agenda. The repeated mantra ‘to do more’ has now been softly rephrased through the Peace Bill⁷, a ‘middle way’ approach between a narrow counter-terror mission and a much more ambitious nation-building agenda. US policy now entails a regional approach towards counter-terrorism, with conditional aid promised to both Kabul and Islamabad in an attempt to bring forth desired results.

The first step towards a more regional approach was the nomination of Richard Holbrooke as the special envoy of the US for Afghanistan and Pakistan. Although welcomed for his

diplomatic experience, particularly at the end of the war in Bosnia in 1995, Holbrooke has no experience in South Asian politics. Moreover, the United States' definition of the region appears to exclude India. It should be noted, however, that Holbrooke's maiden trip to the region included a visit to New Delhi to seek Indian policymakers' views. This was followed by the US Administration's White Paper (released in March 2009) outlining the three core goals of the US, which must be to disrupt, dismantle and defeat al Qaeda and its safe havens in Pakistan, and to prevent their return to Pakistan or Afghanistan.⁸ In simple words, this means no let up in the Unmanned Aerial Vehicle drone attacks and, if the need may arise, a possible ground offensive targeting specialised training and operation centres. It also means performance and result-oriented military aid conforming to US counter-terrorism goals.

No one disputes the merits of conditional aid, however the increased drone attacks and possibility of a ground offensive only add to the problems of the Pakistan government, which has to deal with an insurgency and creeping 'Talibanisation' seeking legitimacy through exploiting anti-American sentiment and portraying the government as a mere US puppet. The induction of Nizam e Adil ('Justice System') in the Swat Valley, as a local solution to this growing menace, has earned the government some time, but the long-term costs are very high. Military and law enforcers need to tackle the larger picture once and for all. The current phase of military operation in Swat, termed Operation Rah-e-Rast ('Righteous Path'), enjoys unprecedented internal support from all quarters. However, the successful weeding out of militant strongholds and effective de-radicalisation of Swat and its neighbouring areas will have a deep impact on the Pakistan military's future operations in the Federally Administered Tribal Areas (FATA).

Living Up to Expectations

However, for President Obama, the real challenges are at home. One main reason for his election was his focus on domestic problems like health care and social welfare. While ending the war in Iraq and bringing the fatigued troops home was a priority, this stayed true to the larger cause and US policy of war against terrorism. A strategy needs to be devised as to how more troops are deployed on that front. CNN correspondent Christian Amanpour wrote: “President-elect Barack Obama has brought America back, and yet he inherits a monumental mess.” Al Jazeera commented that Obama surfed to power on a wave of voter discontent generated by the failures of President George Bush and the Republican Party. Amanpour goes on: “Actually, the whole world pronounced itself sick of what it perceived to be Bush's multipronged military approach. From the start, President Obama will have to tackle the campaign pledge that defined his candidacy: bringing U.S. troops home from Iraq and ending the war there.”⁹

The tasks laid out before Obama are monumental. To start with, reviving a sick war economy in a global recession is no mean task in itself; he is very much aware of this. His plans are to invest \$150 billion over the next 10 years to advance the next generation of bio-fuels and fuel infrastructure, accelerate and promote development of commercial scale renewable energy, invest in low emissions coal plants and begin transition to a new digital electricity grid.¹⁰ In his first public remarks since the election, Obama said: “We are facing the greatest economic challenge of our lifetime, and we are going to have to act swiftly to solve it”.¹¹ He would “confront this economic crisis head-on by taking all necessary steps to ease the credit crisis, help hard-working families

and restore growth and prosperity. We need a rescue plan for the middle class that invests in immediate efforts to create jobs and provide relief to families that are watching their life savings disappear.”¹²

Such economic recovery plans along with health and social benefits cannot be realised overnight. Not only is the banking, mortgage and investment sector in shambles, but also the auto industry, which is considered the backbone of America’s manufacturing, is also very weak. Assuming a re-election bid, Obama’s first four years in the Oval Office will be spent very cautiously. He must tread a careful path, while political pundits keenly watch the selection of aides and teams that he picks for his Administration. The President also has to be mindful of not displeasing any of the multi-ethnic caucuses that supported his candidacy. Obama voters’ profile largely consists of women, youth and first time voters, registered by a very proactive team of volunteers.

Obama’s decision to pull troops out of Iraq has been welcomed by the entire Arab world. With regards to the Middle East, he also seeks to reach out to Iran to end confrontation and carry out a peaceful dialogue over the nuclear question and help in mediating and solving the Israel-Palestine question. He also offers an open arms policy to Latin American countries, a move warmly reciprocated. But much depends on the team he picks and many of his policies may not sit well with international expectations and sentiments.

Pakistan’s Options

Lastly and most importantly, the policy options for Pakistan require examination. These options depend on the issues at stake.

First, the American war on terrorism is no longer an issue of “you are with us or not”. Rather it is now Pakistan’s own “Frankenstein’s monster”. The war carries very serious implications for Pakistan, including the Afghan ‘mess’ and the detainees at Guantanamo Bay. An equal picture can be painted for India. With regard to India, among a litany of issues, the foremost is Kashmir. Obama’s offer to make former president Clinton a special envoy to mediate peace was characteristically declined by India on the ground that Kashmir is a bilateral issue and not open to third party mediation.¹³

In relation to the cross border attacks carried out through Unmanned Aerial Vehicle drones, there is not much relief in sight; in fact if we go by what Obama has stated, the US policy stance might get stronger. But here Pakistan needs to take some action. The elected government in Pakistan without any doubt inherited a bed of thorns, but it must come up with a concrete policy stand on a host of issues and define what it needs to do. Nearing a one year mark, the need is to start delivering. Both Afghanistan and India are facing elections. Pakistan must achieve a sustainable strategy with the incoming Afghan administration, rather than open more fronts for itself. Pakistan must put its own house in order or else it will always find India prodding deep into its state sovereignty. Pakistan must carve an independent niche for itself. On the issue of Kashmir, Pakistan must make sure that the issue is no longer seen through the warped prism of 9/11 as a terrorist problem, but as a question of Kashmiri independence.

Finally, the name of the game for Pakistan is economics: Pakistan must try and revive its economy. For that reason, the foremost challenge is to address the question of terrorism. So long as Pakistan is in the grip of terrorism, no amount of economic uplift is possible. The need is to build a broad-based and lasting

relationship which is not regime and issue dependent. Soft but sustainable policy options are required to tackle problems like illiteracy, poverty and lack of health care. And lastly, there is a need to engage with and strengthen democratic institution in order to build civil society rather than the military, as this is the corner-stone of any state's basic edifice.

¹ Dr Rias Ahmed Khan, "Fifty years of Pak –US Relations," *Pakistan Journal of American Studies*, Vol. 16, No. 01, Spring 1998, pp. 1-2.

² This triad of Allah, America and Army became a popular and oft quoted term, used in the context of explaining the three most influential elements in Pakistan's decision making. It was also used as part of the title of Hasan Abbas' seminal work, *Pakistan's Drift into Extremism: Allah, the Army, and America's War on Terror*, (M.E. Sharpe, 2004).

³ "Karzai wishes he could down US planes," Top Stories, *The NEWS*, Thursday, November 27, 2008, http://www.thenews.com.pk/top_story_detail.asp?Id=18643

⁴ Ibid

⁵ Steve Holland, "Tough talk on Pakistan from Obama," , *Reuters*, Wed Aug 1, 2007 7:26pm EDT www.reuters.com/article/domesticNews/idUSN0132206420070801

⁶ Ibid. reference to the statement by Tony Snow, White House Spokesman

⁷ U.S. House of Representatives, 2009, PEACE Act of 2009, 111th Congress, 1st session, HR 1886

⁸ "White Paper of the Interagency Policy Group's Report on U.S. Policy toward Afghanistan and Pakistan," March 27, 2009,

http://www.whitehouse.gov/assets/documents/Afghanistan-Pakistan_White_Paper.pdf

⁹ Christian Amanpour, "World welcomes Obama with open arms, demands," *CNN*, <http://edition.cnn.com/2008/POLITICS/11/05/amanpour.world.challenges/index.html#nnSTCOther1>

¹⁰ From the web South Asian American Fact Sheet, "Barack Obama: working for South Asian Americans," from his official campaign web site,

<http://my.barackobama.com/page/content/aapihome>

¹¹ "Obama: 'We have to act swiftly' on economy," *CNN*,

<http://edition.cnn.com/2008/POLITICS/11/07/obama.conference.transcript/index.html>

¹² Ibid

¹³ Ashwani Talwar, "India rejects Obama proposal on Kashmir," *Express*, First Published : 27 Nov 2008 04:39:00 AM IST

<http://www.expressbuzz.com/edition/story.aspx?Title=India+rejects+Obama+proposal+on+Kashmir>