

All in the name of democracy

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BENAZIR BHUTTO has called off the Long March scheduled for 16th July to save the current democratic framework from total collapse. President Ishaq has lent his blessings to the COAS' formula to safeguard democracy in Pakistan. Prime Minister Nawaz Sharif has also accepted the formula to defuse the present crisis of democracy. Obviously, democracy has become the catchword in the political dialogue between the leading contenders for power, as well as in the Press and the public large.

Democracy is a government neither of the people nor for the people nor by the people. However, a large number of well-meaning believers in the cause of democracy continue to adhere to the 19th century romantic notions about democracy being just that. Like other aspects of the modern state, democracy is understood by many Pakistanis in either idealistic terms or cynical terms, depending on whether they talk of remote Western political systems or domestic political practices.

Democracy is at the centre of the debate about the current political crisis in Pakistan. The President and the Prime Minister fell out with each other and the former dissolved the National Assembly which was later restored by the Supreme Court. The President was able to do that because the 8th Constitutional Amendment, which was based on the RCO enacted by Zia's martial law government in March 1985, gave powers to the president to send the public representative back home.

The sinister act of dissolution of elected assemblies and governments has been performed three times in the last five years. Each time, higher courts were approached for judicial review. The contradictory decision of judiciary indirectly reminded us that constitutional provisions should be such that they promote genuine democratic rule. Similarly, past governments, especially military governments, could not be allowed to dictate to future generations by creating immense difficulties in the way of amending the Constitution or repealing a past amendment. In addition, the abuse of constitutional provisions must not be allowed.

Pakistan's political experience during the last few years proved that there are serious problems with our Constitution. The President relied all along on the most controversial provisions of the Constitution to pursue his political strategy. It clearly indicated that mere constitutionalism is not the whole of democracy, especially after several constitutional provisions were disfigured beyond recognition by the martial law government. A constitution must be fully congruent with the prevalent thinking of the nation as represented by the parliament and interpreted by the judiciary.

Unfortunately, President Ishaq has been too much a man of the book to realise that democracy is essentially about legitimacy which draws on vast political and moral resources of a society and not on abstract legality alone. Being himself a product of the Constitution as amended under duress in 1985, the President has been understandably disinclined towards conceding sovereignty to the parliament which is the product of mass mandate. Therefore, he was averse to any idea of changes in the Constitution sponsored by public rep-

resentatives.

On the other hand, the Prime Minister largely drew on mass mandate — as reflected in his parliamentary majority — to claim legitimacy. His government often sponsored its right to rule on the basis of its victory in the 1990 elections. Unfortunately, Nawaz Sharif's government squandered a fine opportunity to promote and consolidate democracy in Pakistan by resorting to what is called tyranny of the majority.

For example, it constantly denied a legitimate role to the opposition in and outside the Parliament. On the one hand, it pushed the opposition to the wall in terms of procedural aspects of legislation, including constitutional amendments. On the other hand, it used the

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legal machinery of the state for arm-twisting of the PDA leaders and workers out in the field. In this way, democracy in Pakistan fell a victim to majority rule by decree. Law and law-enforcement agencies were used as instruments of state oppression.

While President Ishaq relied exclusively on constitutionalism to project his power and Prime Minister Nawaz Sharif drew essentially on his parliamentary majority to assert himself, the PDA opposition fell back on the controversial character of the 8th Amendment and the 1990 elections to deny legitimacy to both of them. In its view, the President's use of the 8th Amendment to dismiss Benazir Bhutto's government in August 1990 proved that the Constitution had become anti-democratic because it superseded rule of public representatives.

On the other hand, the PDA opposition claimed that the 1990 elections had produced bogus assemblies which were, therefore, unrepresentative of the nation at large. In this way, the very foundation of electoral democracy was rendered suspect in the eyes of the nation. From the PPP's perspective, Prime Minister Nawaz Sharif's electoral victory raised the

question of how representative the emergent democratic set-up was. While the President relied on the letter rather than the spirit of the Constitution, the Prime Minister took his controversial mandate simply too seriously and steamrolled the opposition.

Constitutional rule means non-arbitrary rule bounded by agreed norms of political behaviour. That has been the crucial failing of President Ishaq. He stretched the notion of constitutional rule to include what has been declared the unlawful use of legal provisions by the Supreme Court of Pakistan. The message is that constitutionalism should not be allowed to serve anti-democratic political ends.

In the same way, majoritarianism is not democracy. Some of the Western countries which were ruled by governments enjoying absolute majority in the parliament experienced the worst kind of authoritarian rule in this century. The absence of a strong, viable and assertive opposition merely opened the way to persistent violation of human rights and denial of civil liberties to the people.

In Pakistan, the elected governments have generally felt no need to accommodate the opposition nor acknowledge its role as the conscience of the society. Indeed, both the government and the opposition have operated in a system which denies autonomy to the domain of party politics. The military's intervention in politics in the past has fundamentally changed political attitudes of politicians. Instead of talking to each other to resolve their conflicts, both the treasury and opposition benches looked towards the establishment which is perceived to be the real source of power.

The PDA opposition joined hands with the NDA and the renegade section of the Muslim League which emerged as the President's client group. Some elements within the emerging anti-Nawaz Sharif coalition of forces went past the President and demanded a direct role for the army to perform certain functions such as holding of elections, establishing a temporary government for that purpose, initiating accountability of politicians and transferring power back to politicians after the elections.

It is amazing to find such naivete among politicians, especially those from the PDA who had suffered under military rule for so long. The military cannot be compared with judiciary or bureaucracy. To expect that it will continue to bow down to the will of civilian politicians even under a military dispensation is to live in a fools' paradise. Once in operation, the military follows its own rules of game. The Tehrik Istiqlal chief Asghar Khan pointed out to this grim reality and duly warned his compatriots to stay away from such adventurism.

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The new deal between the President, Prime Minister and leader of the opposition brokered by COAS promises neutral caretaker governments at the Centre and provinces, and free and fair elections. It is hoped that Benazir Bhutto and Nawaz Sharif along with other leaders of smaller parties will opt for a positive approach and shun negative campaigning. It is their joint responsibility to build democracy in this country.