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Beyond the rituals of

VIEW



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Twenty months after its rehabilitation, the civilian political order appears to be strong on democratic rhetoric and ritual and weak in substance of democracy. The post-military political order has faltered on most counts like constitutionalism, expansion of participatory opportunities, basic freedoms and the primacy of the civilian institutions and processes

SEVERAL DEVELOPING COUNTRIES ARE holding elections in 2004, signifying the growing popularity of the electoral process and — by extension, democracy. More states have come to subscribe to democratic process in the last couple of years than did a decade ago. Most governments talk now of their commitment to participatory politics and good governance, which can be described as the globally accepted political currency.

But the electoral process as well as the elected parliament and the cabinet can be manipulated in such a manner that the spirit of democracy is stifled. The key question, therefore, is how far does a political system go beyond the ritual, formal aspects of democracy. The quality of democracy in a system depends on the embodiment of the spirit and substance of democracy in its political processes and institutions.

Elections hold key to a fair democratic process only as if they represent a free opportunity to the people to elect their representatives. Manipulated elections, even if they are held regularly, undermine democracy. The way various state institutions function between two elections also affects the quality of democracy.

The pre-requisites of a quality democracy are constitutionalism, respect for civil and political rights, rule of law, independence of the political process from non-representative institutions like the military, free and fair elections and an independent judiciary.

One cannot conceive of genuine democracy without a strict adherence, in letter and spirit, to the constitution. If a ruler, civilian or military, can defy or subvert the constitution at will, this basic tenet of democracy is violated. This problem is acute in the countries dominated by the military-bureaucratic

Such domination of the political process

undermines the growth of autonomous civilian institutions and adversely affects the growth and stabilisation of democracy.

The basic freedoms and civil and political rights coupled with the notion of equal citizenship are also important conditions of democracy. These are not met unless there is rule of law in the polity at the operational level.

The judiciary is expected in a democracy to adopt a forthright position in protecting constitutionalism, basic freedoms and rule of law. If it succumbs to pressure from the power elite, the democratic values are threatened.

Above all, the elections must be held in a manner that the people view as a genuine opportunity to change the government.

The quality of democracy depends on the nature and direction of political transitions. If a political system moves in the direction of achieving these pre-requisites, it is a positive development in that it improves the prospects of realisation of the substance and quality of democracy. A movement in the opposite direction results in a democratic deficit even if elected governments and legislatures are allowed to function. The political system is thus always in motion either towards quality democracy or its decay.

Pakistan embarked on the road to democracy in October-November 2002 after its fourth spell of military rule. This was a positive development despite the fact that the military regime carefully tailored the transition to ensure continuity of key personnel and policies. Doubts were raised about the credibility of the October 2002 general elections because the military government skewed the electoral process in favour of the co-opted political elements. However, the hope was that once a civilian government was installed, political participation would increase in a

non-discriminatory way and the elected parliament would emerge as the focal point.

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democracy. The post-military political order has faltered on most counts like constitutionalism, expansion of participatory opportunities, basic freedoms and the primacy of the civilian institutions and processes. Major constitutional changes were made through the Legal Framework Order and the 17th constitutional amendment to bring the constitutional arrangements in line with the political outlook and needs of President Gen Pervez Musharraf.

Of course, it is not for the first time that a military ruler has made constitutional changes to suit him. Ayub Khan gave Pakistan a new constitution. Yahya Khan, too, had planned a new constitution but the military debacle in the then East Pakistan brought an abrupt end to his rule. Zia-ul-Haq brought far-reaching changes to the 1973 Constitution in the Revival of the Constitution Order of March 1985 through the 8th constitutional amendment. Gen Musharraf followed Zia's example in unilaterally amending important articles of the Constitution. Ignoring the procedure laid out for presidential election as set out in the constitution, he got himself elected through a dubious referendum. The inescapable conclusion is that rather than regulating their ambitions and conduct the Constitution has always been adjusted to the needs and aspiration of the powerful rulers.

The parliament and the provincial assemblies have failed to become the core institutions in the political system. The real power is vested in the President who continues to hold on to the office of army chief. The president's active rôle in governance and political management has diluted the parliamentary character of the polity. A similar pattern is emerging in the provinces where, on the pretext of looking after federal government's work under instructions from the President, the governors are actively engaged in governance. The establishment

of the National Security Council, giving a legal cover to the military's rôle in policymaking and politics, has further compromised the rôle of elected institutions and elected civilian leaders.

The rôle of the presidency in replacing the prime minister in June (Jamali with Shujaat Hussain) and nomination of the prime minister-in-waiting shows that the President commands the polity. The PML and its allies endorsed these changes because the cost of questioning the President/army chief could have been very high. To demonstrate their loyalty to the presidency, the cabinet members and senior party leaders are now announcing their support for Shaukat Aziz's candidacy from two constituencies.

The situation of civil and political rights is not so bad except for those who actively and persistently engage in criticism of the President or the military. The conviction of the PML-N leader and National Assembly member Javed Hashmi in April is the best illustration of what can happen if a person crosses the permissible limits in criticising them. Those tainted with linkages to extremist Islamic groups that take on the state also face serious problems. The interior ministry has recently authorised the Special Branch and the Intelligence Bureau to monitor (censor?) all in-coming as well as out-going foreign mail.

There is an urgent need to pay attention to improving the quality of democracy in Pakistan. This calls for adding substance to the current democratic structures. Also, the democratic institutions and processes must address the socio-economic problems of the people that are getting neglected due to the government's assigning a high priority to aggregate economic development. A political system cannot sustain itself if it does assign primacy to the aspirations and needs of the common people.

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