

Pakistan

by SHAHAN MUFTI

This past summer, as Pakistan's military ruler Pervez Musharraf stood, swords crossed with the band of his eclectic opposition, an audiotaped message from Osama bin Laden surfaced. "Musharraf's insistence on continuing his loyalty, submissiveness and aid to America," declared the voice, "makes armed rebellion against him and removing him obligatory."

The timing of the message left little doubt that the leader of Al Qaeda aimed to capitalize on the unrest caused by the country's freewheeling street movement—even attempting to grab its reins. But it was a futile attempt. Sure, the movement of lawyers, students, human rights activists and journalists demanded an end to military rule, but it was not interested in bin Laden's utopia; it was mobilized to empower the country's assertive judiciary, which was enacting fundamental democratic reform and tipping the balance of power in favor of civilian forces for the first time in Pakistan's history.

But how was it that the leader of Al Qaeda was in a position to contemplate an alliance with a movement built around the demands for judicial independence and stronger institutional checks and balances? This was never part of the "global war on terror" program. Terrorism was to be countered by democracy: "Freedom and the development of democratic institutions," the National Security Strategy of 2002 stated, are America's weapons in eradicating terrorism and oppression from the globe.

Unfortunately, Washington never seemed interested in applying its rhetoric to Pakistan. Had it really ensured the growth over the past six years of solid democratic institutions in the world's second-largest Muslim country, there might have been little reason to draw up plans for doomsday scenarios to secure the country's nuclear installations in case one army officer fell from power. Instead, Washington has maintained its alliance with the increasingly unpopular ruler and pumped billions of dollars of aid into an imperious military (it is also America's third-largest client of military hardware), thereby weakening all other institutions of the state and fueling unrest in the country. In doing so, Imran Khan, a leader popular among the growing urban middle classes, warned recently, "Americans are pushing people who are in favour of democracy...towards extremism."

The "war on terror" landed next door in Afghanistan in 2001, and in Pakistan it produced all the wrong results. In the general elections in 2002, widely accepted as rigged by Pakistan's intelligence agencies to ensure General Musharraf's political survival, Muttahida Majlis-e-Amal, or United Action Front, a coalition of Islamist parties (some conservative and militant), swept the entire west of the country, forming governments in two of Pakistan's four provinces. It was an unprecedented advance in a country where religious parties had never managed to win more than a tiny fraction of the popular vote. Militancy has

only grown since. America's failure in Afghanistan has steadily boiled over into Pakistan through a 1,600-mile porous western border. Today, a war rages between self-styled Pakistani Taliban and the army a few hours north of the capital, in the once-majestic tourist resort of Swat. In 2007 alone there have been more than forty suicide attacks all over Pakistan, most aimed at military forces, compared with none six years ago.

Washington is trying to conjure up an alliance between the increasingly unpopular and erratic former general and a widely discredited Benazir Bhutto, who is being tried in international courts for stealing hundreds of millions of dollars from Pakistanis during her two tenures as prime minister. Washington appears to believe that these "moderates"—not the urban masses pleading for the rule of law—form America's best line of defense in a fight against the guerrilla militancy that is feeding off popular discontent. The approach is convenient "strategic policy"—just as supporting the mujahedeen once was, in another war at another time in the same place. America's policy-makers have always been more inclined to deal with all-powerful generals and intelligence agencies than with the people and their representatives in Pakistan. Strategic policy has consistently taken precedence over respect for the country's democratic institutions.

Pakistan was carved out of British India in 1947 and appeared on the map as the largest Muslim country in the world.

But in contrast to some other colonial Muslim states, it was not generals or warlords but lawyers, politicians, students and activists who led a bare-knuckled movement against British rule, which would in turn lay the foundations of a constitutional republic.

Though the civil-military power balance in the country has always been stacked against civil democratic forces, thanks in part to heavy American aid that has poured in during times of army rule, democratic institutions remain ingrained in the state. So fundamental are they that the five times the military has taken over, it has depended on the country's courts to grant it popular legitimacy. It was a reversal of this compliant policy by the Supreme Court this year that led to Musharraf's coup against the judiciary.

The attack on the judiciary has reawakened the country's educated and growing but historically depoliticized middle classes, who have poured out onto the streets. Dressed in black suits and ties, the Pakistani lawyers fighting for reinstatement of sacked judges chant, "We made Pakistan! We'll save Pakistan!" They seem supremely confident of their country's ability to restore its sixty-year-old democratic promise.

Sadly, the movement battles American policy in the "war on terror," which seems (at best) to make little effort to support them. They are being jailed by the thousands by a US-supported ruler. Some old-guard politicians—former prime ministers Bhutto and Nawaz Sharif and even major Islamist leaders—are still tempted to throw their chips in with the military establishment.

The movement is not blindly pro-American, but its members are most definitely not sympathetic to the vision of the Taliban, who have made steady inroads during Musharraf's



rule. Torn between embattled extremes, they see an opportunity to finally reconcile the state's secular democratic foundation and Muslim national identity. But faced with continued ambivalence from major political players inside the country and the international community, they could simply disappear. That would be a shame, for they could be America's most natural and potent allies in this dismal war.

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Thailand

by NOY THRUPKAEW

More than a year after tanks trundled through downtown Bangkok, it looks like the generals intend to stay. The military deposed democratically elected Prime Minister Thaksin Shinawatra on September 19, 2006, and promised a slew of changes—economic reforms, a crackdown on corruption and a resolution to the insurgency in the predominantly Muslim southern provinces. For this, and for a change of pace from the corporate strongman tactics of Thaksin, the crowds came out in droves, offering food and flowers, and mugging for photos next to soldiers and their tanks.

The honeymoon is over, though. The economy is stagnant, the insurgency continues and the military is becoming more deeply entrenched every day ahead of national elections on December 23. Not content with expanding their budget from 86 billion baht before the coup to 143 billion now, the generals have issued a spate of bills targeting free speech and the right to assembly, including cybercrime and film censorship. Most troubling, the military produced a draft of an Internal Security Act (ISA) that would allow it to command government officials “not to perform any act or to perform any act” that would affect internal security. Human Rights Watch has criticized this provision as a blank check that could be used to overrule existing laws and human rights protections. The executors of ISA could also act as criminal investigators and sentence those deemed a threat to national security to “re-education camps” for up to six months. They can order curfews, prohibit demonstrations and public gatherings should they give rise to “public disorder” and suspend or alter communications and transportation systems. The military- and law-enforcement-based Internal Security Operation Command (ISOC), charged with overseeing the act, could seize state agencies and would be exempt from prosecution under the Administrative Court, the highest court to oversee human rights violations.

ISA is well on its way to becoming law. It passed its first reading by the National Legislative Assembly and awaits a committee review and a final vote—a process that the government seems keen to fast-track ahead of the December elections.

The alleged motivation behind ISA? National security—and terrorism. “This law could help us prevent any future acts of terrorism,” said a senior official in the coup government’s Council on National Security, who spoke on condition of anonymity. As he envisioned it, the law could also help update outmoded security systems, deal with drugs and arms trading on the borders and with ongoing violence in the south. But the law’s critics, including more than 100 academics who signed a petition protesting ISA, see it as old-fashioned Thai military control dressed up in the rhetoric of security and counterterrorism. They worry that ISA could be used to suppress dissent.

At a meeting with anti-ISA signatories, government officials stated that the draft bill is inspired by the US Homeland Security and Patriot acts. That Thailand would follow in US footsteps is not surprising, considering that the countries are economic and strategic allies—close enough for Thailand to become home to a US “black site,” a covert prison that was closed down in 2003 after its existence became public.

According to analysis by the International Consortium of Jurists, ISA draws on the emergency decree that Thaksin declared for the southern border provinces in 2005, martial law and the ISOC structure set up by Thailand’s old anti-communist act, which was in effect from 1952 to 1979. The ISA, however, would transcend the time and area limitations of the emergency decree and martial law and expand the powers of ISOC. As Naruemon Thabchumphon, an academic who circulated the petition against the act, said, “If passed, this law will give the military unlimited time and area to expand their security system. The whole kingdom of Thailand will be under a permanent state of emergency.”

The new cybercrime law also contains language about terrorism and national security—and was recently used in the secret arrest of two bloggers for their outspoken remarks about the much revered monarchy. The bloggers were eventually released without being charged but retain criminal records and could be charged with cybercrime violations up to ten years in the future. In addition, more than 50,000 websites, many including content critical of the coup generals, are blocked by the government, and individual Internet service providers, who view the cybercrime law as allowing them free rein to censor, block even more sites.

One of the most ambitious pieces of recent proposed legislation, ISA would grant the ISOC “enormous power in terms of controlling political activities,” according to Panitan Wattanayagorn, a Chulalongkorn University security specialist and a foreign affairs adviser to the coup’s Prime Minister Surayud Chulanont. “The ISOC can bypass normal due process. That’s not unusual even in democratic Western countries—President Bush has it. But the problem with us is that we need elected officials who can vote on that policy—and it must be subjected to checks and balances in executive and parliamentary system.”

Even if the act faces an elected Parliament, it may pull through anyway, thanks to the military’s increased financial



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