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Department of Political Science
Programme in Diplomacy & Strategic Studies

University of the Punjab, Lahore

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Department of Political Science
Programme in Diplomacy and Strategic Studies
University of the Punjab
Lahore-Pakistan
Phone: 042-9231229
Fax: 042-5838263
email: pspunjab@yahoo.com

A U T H O R S

Professor Dr. Hasan-Askari Rizvi is a former Chairman, Department of Political Science, University of the Punjab, Lahore

Professor Dr. Syed Farooq Hasnat is Chairman of the Department of Political Science, University of the Punjab, Lahore

Zafar Nawaz Jaspal is a Research Fellow at Islamabad Policy Research Institute, Islamabad

Dr. Ahmad Faruqi is a fellow of the American Institute of International Studies, based in the San Francisco Bay Area; U.S.A.

Tahmina Rashid is Lecturer, Department of Political Science, University of the Punjab, Lahore and currently working on her Ph.D. in the Department of Political Science, University of Melbourne, Australia

Rehana Saeed Hashmi is Lecturer, Department of Political Science, University of the Punjab, Lahore

Muneeza Mirza is an M.Phil student in the Department of Political Science, University of the Punjab, Lahore

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C O N T E N T S

Articles:

ELECTORAL PROCESS IN PAKISTAN	Hasan-Askari Rizvi	1
AFGHAN CRISES: INTERNATIONAL RESPONSE AND A DILEMMA FOR PAKISTAN'S SECURITY	Syed Farooq Hasnat	19
EMERGING TRENDS IN TERRORISM	Zafar Nawaz Jaspal	51
FIRST THREE YEARS OF PRESIDENT MUSHARAF	Ahmad Faruqi	63
FEMINIST DEBATES: A PAKISTANI CONTEXT	Tahmina Rashid	75
DEMOCRACY: OLD TRENDS, NEW PATTERNS- A PAKISTANI EXPERIENCE	Rehana Saeed Hashmi	93

Review Articles:

WOMEN IN ISLAM: DIVERSE EXPERIENCES IN MUSLIM WORLD AND WESTERN SOCIETIES	Tahmina Rashid	111
RISE OF EXTREMISM AND JIHAD IN AFGHANISTAN AND BEYOND	Muneeza Mirza	119

Documents:

TEXT OF ALMATY DECLARATION - JUNE 04, 2002	131
TEXT OF LEGAL FRAMEWORK ORDER, AUGUST 2002	139
TEXT OF UN SECURITY COUNCIL RESOLUTION ON IRAQ - NOVEMBER 8, 2002	156

ELECTORAL PROCESS IN PAKISTAN

Hasan Askari Rizvi

The study of elections and their relationship with the polity is a fascinating field of research and study. By focusing on different aspects of the electoral process, one understands not merely how and why do the people vote and elect their representatives but also gets an opportunity to understand the politico-social and economic context within which voting decisions are made. How do the ethnic, linguistic, religious and other primordial attachments shape the electoral process? Do the elections play an inclusionist role for the primordial identities and promote accommodation, defusing the sharp edges of these identities?

Elections are central to modern polities and their role can be examined as an independent or dependent or intervening variable. No democracy can function without fair, free and openly contested elections, enabling the people to elect their representatives and the government. This process strengthens their attachment with the political process and institutions and facilitates peaceful transfer of power.

Elections involve a large number of people who are mobilized by political parties with reference to their party leaders, their programmes and the party networks and leadership at the local level. The people often treat the electoral process as a big festival, viewing it as a fun activity. Invariably, elections attract "more attention of more people than any other event, even including sports, local developments, personal problems and other matters which normally occupy a person's interest."¹ For weeks, a good number of people (voters and non-voters) are so passionately involved in the election process as if they do not have any other important task to undertake.

The general philosophy and goals of the electoral process are the same in democratic polities. However, their operationalization varies from system to system; even within a political system the mechanisms

and processes of the electoral process change over time. Therefore, it is important to examine how the elections are actually held and with what objective in mind? How do these change over time and interact with the contours of the polity and vice versa?

The roots of the electoral process in Pakistan go back to the second half of the 19th Century when the British colonial administration took the initial steps for the representation of Indians in state affairs. This shaped up as a regular feature of British Indian political landscape in the 20th Century. By the time India and Pakistan became independent in August 1947, a tradition of elections had been established, but all elections during the British rule were held on the basis of restricted adult franchise. India and Pakistan introduced the principle of universal adult franchise after the attainment of independence.

Pakistan had a varied electoral experience, including the absence of elections for a long time. Such a varied experience synchronized with the discontinuities in the political process and constitutional breakdown. Pakistan experimented with different systems of elections, which were organized by civilian as well as military governments. The military governments held carefully regulated elections for coopting political leaders as a part of their effort to civilianize their rule.

Despite Pakistan's varied experience with elections, the popular commitment to the electoral process has persisted. These are viewed as the desired mechanisms for legitimization of exercise of power. However, these aspirations did not fully materialize as the elections were not held regularly and, in case of some elections, the conduct of the ruling party compromised the fairness of the electoral process. The media, independent groups and the political parties now closely monitor the elections, making it difficult for the ruling parties or powerful interests to manipulate the electoral process without being noticed.

This article examines Pakistan's electoral experience, focusing on different systems of elections adopted in Pakistan since 1947. Pakistan held elections at the federal, provincial and local levels. Initially the elections were held at the provincial and local levels. First direct elections at the national level were held in December 1970. National and provincial

elections have been held more regularly since February 1985.

Indirect Elections

The first two Constituent Assemblies (1947, 1955) were elected indirectly by the provincial assemblies. The roots of the first Constituent Assembly (1947-54) can be traced back to the elections to the Constituent Assembly for united India in July 1946 through the provincial assemblies elected earlier. As the election was held on the basis of separate electorate, the Congress won most of the seats reserved for Hindus and the Muslim League won 73 out of 78 seats reserved for the Muslims. Its first session was held on December 9, 1946, which was boycotted by the Muslim League because it demanded the setting up of a separate constituent assembly for framing the constitution for Pakistan. When the British government decided to partition India into two independent states of India and Pakistan, the Constituent Assembly was divided into two assemblies, one for India and one for Pakistan. The Constituent Assembly of Pakistan had 69 members; ten were added through nomination.² It met for the first time on August 10, 1947, and was assigned the dual task of constitution making and ordinary law making.

The first Constituent Assembly was dissolved by the Governor General Ghulam Muhammad in October 1954, followed by a long legal battle in the Federal Court. The second Constituent Assembly was elected indirectly in June 1955. Out of total strength of 80 members, the provincial assemblies of the Punjab, Sindh and NWFP and the electoral college for Karachi and Balochistan elected 72, which were not provinces. Rest of the members were appointed by the princely states and the tribal areas on the basis of the method approved by the Constituent Assembly. Like the first Constituent Assembly, it performed dual function of constitution and law making. This Constituent Assembly was able to frame the constitution, which was introduced on March 23, 1956, designating Pakistan as an Islamic Republic.

Though the 1956 Constitution provided for direct elections to the national and provincial assemblies, no elections were held. On October 7, 1958, the military staged a coup under the leadership of General (later

Field Marshal) Muhammad Ayub Khan and abolished the two-and-a half year old constitution. Martial law was imposed in the country and the military regime embarked on instituting far reaching changes in the political, economic and social domains. It introduced a new Constitution in June 1962, which provided for presidential system and indirect system of elections. The adult population elected the members of the local councils, called Basic Democrats, who served as the electoral college for the election of the president and the members of the national and provincial assemblies. Two elections were held under this system.

Ayub Khan introduced the new system of local government, Basic Democracy, on October 27, 1959, one year after the assumption of power. The members of the lowest tier of the Basic Democracy system, called the Basic Democrats, were elected directly on the basis of universal adult franchise in the same year. These elected members constituted the electoral college for the elections to the national and provincial assemblies. The military regime held the first carefully managed elections to the national and provincial assemblies in April-May 1962 through the electoral college, which comprised 80,000, elected Basic Democrats. The members of the electoral college were equally divided between East and West Pakistan (40,000 each). These elections enabled Ayub Khan to change the character of his regime from military to civilian.

Ayub Khan repeated indirect elections in 1964-65. At first, new elections were held at the local level in October-November 1964, when the people elected 80,000 Basic Democrats (members of the local councils) on the basis of universal adult franchise. They in turn elected the President (Ayub Khan was re-elected) in January 1965 and the members of the national and provincial assemblies in March and May 1965.³ The system of indirect elections was done away with when General Yahya Khan displaced Ayub Khan in March 1969. He abolished the constitution and declared martial law in the country in the wake of nationwide agitation against the Ayub regime.⁴

Direct Elections

Pakistan held direct elections on the basis of universal adult franchise at the provincial level in 1951, 1953 and 1954. The provinces of the Punjab and Sindh had provincial elections in March and December 1951 respectively, when their provincial assemblies were elected. NWFP provincial assembly was elected in March 1953 and East Bengal held its provincial elections in March 1954. These were the first elections to the provincial assemblies since the establishment of Pakistan.

The system of direct elections was done away with after Ayub Khan assumed power and imposed martial law. He introduced indirect elections to the national and provincial assemblies (see above) through an electoral college comprising the members of Basic Democracies. The political leaders demanded the reintroduction of direct elections on the basis of universal adult franchise when they launched agitation against Ayub Khan in the fall of 1968. He accepted this demand in March 1969, and after his removal from power, his successor, General Yahya Khan, held general elections at the national and provincial levels in December 1970, when the ordinary voters elected the members of the national and provincial assemblies. This was the first direct election in Pakistan at the national/federal level. The Awami League led by Sheikh Mujibur Rahman swept the polls in East Pakistan and the Pakistan People's Party (PPP) led by Zulfikar Ali Bhutto captured the majority seats in western Pakistan; it won absolute majorities in West Pakistan's two provinces of the Punjab and Sindh. The 1977 general elections were also direct but these generated much controversy as the PPP government resorted to a host of irregularities, giving the opposition a basis to question the credibility of the electoral process.

The opposition alliance, Pakistan National Alliance (PNA), that had contested the 1977 election against the ruling PPP, launched street agitation in immediate aftermath of the National Assembly elections, claiming that the government had rigged the polls. The movement gained momentum in a couple of weeks and the opposition alliance began to demand the introduction of "Nizam-i-Mustafa" (Islamic System) and called for the resignation of the then Prime Minister,

Zulfikar Ali Bhutto.⁵ As the government and the opposition could not find a mutually acceptable solution to the political crisis and street violence intensified, the military displaced the civilian government. Chief of the Army Staff, General Zia-ul-Haq, assumed power and suspended the 1973 Constitution and imposed martial law for the third time in Pakistan's history. This temporarily suspended the electoral process. In 1985, the military regime held direct but party-less elections in order to change from military to civilian rule.⁶ The general elections held in 1988, 1990, 1993 and 1997 were direct on the basis of universal adult franchise, with parties allowed to contest these.

Pakistan's experience suggested the ordinary people did not manifest any active interest in indirect elections. They hardly knew the major issues raised by the candidates in their addresses to the members of the electoral college. However, direct elections, involving the people were always very lively with a lot of political activity. Such elections play an educative role for the common people and strengthen their ties with the political system.

Party-less Elections

Political parties were not allowed to take part in the general elections held in 1962 and 1985. These elections were organized by the military regimes of Ayub Khan and Zia-ul-Haq respectively. The military rulers had a low opinion about the capabilities of the political leaders to ensure effective and transparent governance. They strongly believed that the exclusion of the political parties from the electoral process would cleanse politics of corruption and encourage the honest people to come forward in the elections. There was another reason that the military regimes excluded the political parties from the political process. They were using these elections to transform military and martial law rule into a civilian elected government in a manner that there was a continuity of the policy and some key personnel. This could not be done easily if the political leaders and parties were given a free hand in the elections. The two military regimes launched a propaganda barrage against the political parties and imposed restrictions on their activities. The military regime of Ayub Khan held partyless indirect elections to the

national and provincial assemblies in 1962 through an electoral college consisting of 80,000 elected members of Basic Democracies. However, the National Assembly elected in these elections insisted on reviving the political parties. A new law, i.e., Political Parties Act, 1962, was passed that outlined the guidelines for the establishment and functioning of the political parties. Later, Ayub Khan joined the Muslim League (Convention) and assumed its presidency.

In February 1985, the military regime of General Zia-ul-Haq held party-less elections. His primary consideration was to exclude the political leaders that questioned his regime and to ensure that the political leaders that had favourable disposition towards his regime were elected in large number. Therefore, the military regime closely regulated the 1985 general elections. Zia-ul-Haq wanted to hold party less elections again in 1988 after he dismissed the government of Muhammad Khan Junejo. However, he died in an air-crash in August before he issued the law for another party-less elections. Later, the Supreme Court ruled in favour of political parties, recognizing their right to contest the election. All elections since then (1988) have been party based and direct.

The exclusion of the political parties from the electoral process in 1985 dampened popular enthusiasm and shifted the focus of election campaign from national issues foreign policy and nationwide domestic issues to petty local issues which were similar to those normally raised in local bodies polls. Parochial and particularistic identities, religious issues and ethnic-linguistic considerations were invoked time and again and local alignments played more vital role in the absence of national themes and broadly based alignments. Such appeals and alignments were also invoked in the party based elections but the political parties and nation-wide themes moderated the role of the parochial and particularistic factors.

Separate and Joint Electorate

Pakistan inherited the system of separate electorate at the time of independence, whereby the Muslims and followers of other religions separately elected their representatives in the elections. The British

introduced the system of separate electorate in 1909 on the demand of the Muslim elite. The Muslim leadership, especially the Muslim League, established in 1906 to protect and advance Muslim interests, demanded that the Muslim voters should elect Muslim representatives. They were of the view that the existing system, which allowed all voters to jointly elect their representative did not offer adequate opportunity to the Muslims to get elected. Some seats in the legislatures should be reserved for the Muslim and the Muslim voters should vote for elections to these seats. This plea, made by the Muslim elite to the British government in 1906, was incorporated in the Government of India Act, 1909, which allowed the Muslims to elect their representatives to all legislative bodies in British India.

Pakistan inherited this system of separate electorate in 1947. There was a lengthy debate in the Constituent Assembly of Pakistan on the adoption of separate or joint electorate. The conservative Islamic groups and others who thought that the heritage of the freedom struggle should be owned favoured the continuation of the separate electorate. They argued that the Muslims and non-Muslims could not vote together in an Islamic state and that the separate electorate helped to shape Muslim political identity during the British period and it would continue to protect the distinct Muslim identity in Pakistan. Those favouring the adoption of the joint electorate argued that the separate electorate was a strategy for protecting the rights and interests of the Muslims in British India where they could be overwhelmed by the Hindu majority. There was no such threat in Pakistan and that all citizens of Pakistan, irrespective of their religious identity, should jointly elect their representatives. Furthermore, the British introduced the separate electorate on the demand of the minority, i.e. the Muslims. After the establishment of Pakistan, the religious minorities should be asked if they wanted to separate electorate. Most modernist and liberal Muslims and the religious minorities supported the introduction of the system of joint electorate. The conservative Islamic elements and political traditionalists thought that the Muslims and non-Muslims could not be placed on equal footing so far as management of state affairs was concerned.

Initially, the national legislature decided that the elections in East

Pakistan would be held on the basis of the joint electorate but, in West Pakistan, the system of separate electorate would continue. In 1957, the national legislature (National Assembly) decided to adopt the joint electorate for the whole of Pakistan. The national, provincial and local elections were held under the joint electorate, although the conservative and orthodox Islamic elements continued to demand the introduction of the separate electorate.

The military government of Zia-ul-Haq introduced the system of separate electorate in 1979 in order to win over the orthodox and conservative Islamic elements for counterbalancing its political adversaries. The local bodies elections since then and general elections in 1985, 1988, 1990, 1993 and 1997 were held under this system. Most religious minority groups opposed separate electorate and demand the re-introduction of joint electorate.⁷ Some of the mainstream political parties like the PPP and the NAP also opposed separate electorate. The military government of General Pervez Musharraf held the local bodies elections in 2001 under separate electorate. However, as the national election approached, it decided in early 2002 that the forthcoming general elections will be held under joint electorate. Islamic parties took exception to this decision but the military government stood firmly by its decision to hold the general election on the basis of joint electorate.

Stabilizing and Destabilizing Role of the Elections

There is a debate in the literature on elections about their stabilizing or destabilizing role in different political systems. Pakistan's experience suggests that elections can play both roles. Two general elections produced instability. The failure of the leaders of the two major political parties (Sheikh Mujibur Rahman of the Awami League and Zulfikar Ali Bhutto of the PPP) and the senior military commanders ruling the country in the aftermath of the December 1970 elections plunged the country into a bloody civil war that led to the separation of East Pakistan from the federation.⁸ The 1977 elections were followed by a political uprising against the ruling party launched by the opposition on the pretext that the ruling party had rigged the elections. The agitation

intensified over time, paralyzing the government. The inability of the government and the opposition to evolve a mutually acceptable solution of the political crisis enabled the military to displace the "discredited and paralyzed" civilian government and assume power. For the next 11 years (July 1977-August 1988), Zia-ul-Haq ruled the country, first as a military dictator under martial law (July 1977-December 1985) and then as an elected head of state under the amended 1973 Constitution.

Election can produce destabilizing effects in a diversified polity where ethnic, linguistic or other societal cleavages become so sharp that some group after being alienated from the polity tend to use the elections single mindedly to advance their partisan or separatist agenda. The elections are not used for aggregation of interests but for pursuing partisan agenda. In the case of the separation of East Pakistan and the establishment of Bangladesh in December 1971, several other domestic and external factors played an important role in shaping the state of affairs in the post-election period. Therefore, all that happened after the 1970 elections could not be attributed to totally to these elections.

Elections can adversely affect stability if these do not offer a genuine opportunity to the people to freely elect their representatives. The electoral exercise is counter productive if the principles of equity, fairplay and justice are blatantly violated either by the ruling party or by those managing the elections. If their credibility is questioned by large sections of the politically conscious public and especially the major political parties, elections cannot promote consensus building, which holds key to their stabilizing role. In the case of the 1977 elections, the ruling party undermined the credibility of the elections by engaging in objectionable practices. The election commission was unable to ensure the fairness of the elections to the extent that could satisfy the opposition and the independent observers. As a result, the opposition was able to launch and sustain a nationwide agitation. The ruling party that had won the elections with handsome majorities in the national assembly and three provincial assemblies could not defuse the situation. No later elections faced such a serious credibility crisis.

Military Rule and Elections

Pakistan inherited the British military tradition of overall civilian supremacy over the military. However, the military gradually expanded its role and assumed power in October 1958, for the first time. There have been four military regimes in Pakistan:

1. Military regime led by Field Marshal Ayub Khan: October 1958-June 1962.
2. Military regime led by General Yahya Khan: March 1969-December 1971
3. Military regime led by General Zia-ul-Haq: July 1977-December 1985
4. Military regime led by General Pervez Musharraf: October 1999 to the present.

The military cannot permanently stay in power. Sooner or later, it has to change the character of its rule from direct military to civilian and elected. This creates a dilemma for a military regime. On the one hand it wants to set up civilian and elected institutions and processes. On the other hand the military rulers do not want to surrender the privileges and perks they get used to enjoying during the years in power. Therefore, the senior commanders often resort to constitutional and political engineering and cooption of a section of the political elite who are willing to cooperate with them. This is done either by installing an acceptable civilian government or by civilization of military rule. Invariably, the second method is preferred as this ensures continuity of the policies and some key personnel of the military regime.⁹ Carefully regulated elections and referendums are the methods for transformation of military rule into an elected and civilized rule.

In Pakistan, Ayub Khan and Zia-ul-Haq resorted to both methods to change from military to civilian rule in 1962 and 1985 respectively. In both cases, the objective was to share power with the civilian elite rather than hand-over power to them, and the military leader, i.e. Ayub Khan and Zia-ul-Haq, continued to serve as President of Pakistan after the troops were formally sent back to the barracks. Ayub Khan first held

local bodies elections and sought the vote of the elected local councilors (Basic Democrats) in February 1960 to get himself elected President for five years. The elected local councilors served as the electoral college for the elections to the national and provincial assemblies in 1962, followed by the introduction of a new constitution (the 1962 Constitution) and restoration of constitutional and elected government with Ayub Khan as its head. Zia-ul-Haq followed the same method. He held the local bodies elections in 1979 and 1983 despite strong opposition by the political circles, which demanded the holding of the national and provincial elections. In December 1984, he got himself elected through a dubious referendum; unlike the referendum held by Ayub Khan, this time the people voted directly. General elections were held in February 1985, but the political parties were excluded from the process. New elected governments were set up at the national and provincial levels in March and April 1985 and Zia-ul-Haq continued to serve as the President and Chief of the Army Staff.

General Musharraf's military regime that assumed power on October 12, 1999, promised to hold elections and restore participatory and constitutional rule. The Supreme Court fixed a three-year time for holding general elections, i.e. up to October 12, 2002. The military government declared time and again that it would honour the deadline set by the Supreme Court. Like the predecessor military governments, the Musharraf regime began to work towards the restoration of democracy by introducing an expanded system of local bodies. The elections to the local bodies were held in 2001. This was followed by a direct referendum on April 30, 2002, for securing a five year term for Musharraf as an elected President. As expected, Musharraf got about 98 per cent of the cast votes and he declared himself to be the directly elected President. However, independent observers and the press expressed strong reservations about the officially declared high turn-out in the referendum. The polling stations all over the country gave deserted look but the military regime was able to show that a large number of people voted in favour of Musharraf.

The military government is now planning to hold elections to the Parliament and four Provincial Assemblies in October 2002. The election commission has been asked to make the necessary

arrangements for these elections. Before these elections are held, the military government will introduce a number of important changes in the 1973 Constitution which is expected to be restored after the new general elections have been held.

Management of the Elections

An independent Election Commission manages the elections to the national and provincial assemblies. This comprises a Chief Election Commissioner appointed by the President in his discretion for a fixed term of three years. He must be a sitting or former judge of the Supreme Court or a provincial High Court. In the case of the High Court judge, he must be qualified for appointment as the judge of the Supreme Court. Initially, two serving judges of the High Courts used to be appointed as the members of the Election Commission. In 2002, the military government decided to increase the members of the election commission to four, one serving judge is appointed from each of the four provincial High Courts. Another change introduced by the military government is that it appointed a former Chief Justice (rather than a retired or serving Judge) of the Supreme Court as the Chief Election Commissioner in January 2002, within a week of his retirement from the Supreme Court.

The Chief Election Commissioner and the members of the Election Commission have security of tenure and they manage the electoral process in a manner that the elections are conducted "honestly, justly, fairly and in accordance with law and that corrupt practices are guarded against."¹⁰ All the executive authorities at the federal and provincial levels are to assist the Election Commission in performance of its functions.¹¹ Presidential referendums in December 1984 and April 2002 were also managed by the Election Commission.

The elections evoke much popular interest and a large number of people are involved in election campaigns. The candidates and the party leaders raise the national and countrywide as well as local issues. The national party leadership focuses on the major themes of the party manifestos and the policies of the government. When a candidate

addresses his constituency, local and constituency-related issues and problems figure prominently. The distribution of handbills, pasting of wall posters and display of banner and party is widely practiced in the elections under civilian governments. The party flags are hoisted at house tops and the portraits of the party leader and the candidate are displayed prominently in different places. The major political parties employ professional media advisers or advertising agencies for managing their campaign. The use of modern technology, i.e. audio and video tapes and close circuit TV broadcast, for campaigning is also common. Election advertisements are published in newspapers and magazines. The candidates take out big and colourful processions during the campaign period. Some parties undertake inter-city procession, covering several cities. Personal-informal approach is also adopted for campaigning. The candidates go from door to door for contacting the voters or address small size meetings in different localities and focus on the specific problems of a particular locality.

The election rules prescribe a maximum limit of expenses for candidates in the election to the national and provincial assemblies and a candidate is required by law to submit a detailed statement of expenses to the Election Commission. The campaign expenses are incurred in such a manner that law cannot effectively regulate them. Some categories of expenses are not covered by law, i.e. money spent by supporters, and the party's expenses on public meetings and travelling of the leaders. The major focus of the election expense law is on the expenditure incurred by an individual candidate. Furthermore, the campaign expense rules are not enforced strictly because the actual expenses of a candidate are several times higher than the prescribed limit.

The campaign expenses can be divided into three broad categories: direct expenditure of the party; the candidate's constituency-related expenses; and the expenses covered by the activists and supporters of the party or the candidate. The political parties raise funds through several ways. The parties obtain non refundable fee/donation for applying for party ticket. They also get donations from affluent individuals and business groups but most of it is off the record. At times, this amount is directly given to the party leader or

a candidate in a discrete manner or some anonymous donors agree to take care of some of the campaign expenses. Given the fact that Pakistan's economy is partly undocumented, funds earned through dubious sources, i.e. smuggling, drug trafficking and illegal and corrupt methods, can make way to election campaign. The official and non-official media gives extensive coverage to all stages of the electoral process. The radio and TV run special programmes for the elections and announce the result, as these become available.¹²

Fair and free elections with the active involvement of the political parties have come to be recognized as an important feature of the political system and a pre-requisite for participatory governance. Even the military government could not avoid these, although these delayed the elections or tried to tamper with the process to ensure a carefully managed transition from military to civilian rule. The military government of General Pervez Musharraf promises to hold new general elections not later than October 2002 to return the country to civilian and elected rule.

Elections in Pakistan: A Chronology

1. Provincial elections

The Punjab:	March 1951
NWFP:	December 1951
Sindh:	May 1953
East Bengal:	March 1954

 (These were direct elections based on universal adult franchise)
2. Election to the second Constituent Assembly: June 1955
(Indirect elections through the provincial assemblies)
3. Presidential Referendum: February 1960
(Field Marshal Ayub Khan got himself elected as President in an uncontested referendum. The electoral college comprised the elected members of the Basic Democracies system introduced by Ayub Khan's military regime in October 1959).
4. Elections to the National Assembly: April 1962
Elections to the Provincial Assemblies of West and East Pakistan: May 1962
(The military regime of Ayub Khan organized these elections which

were indirect through an electoral college comprising the Basic Democrats. As the political parties were banned, these were not allowed to put up candidates, although some candidates with party-background got elected).

5. Presidential Elections: January 1965
Elections to the National Assembly and the Provincial Assemblies of East and West Pakistan: March and May 1965 (Indirect through an electoral college comprising the elected members of Basic Democracies elected in October-November 1964. The political parties were allowed to take part in the elections).
6. First direct and party-based general elections to the National Assembly: December 1970.
7. Party-based direct elections to the Provincial Assemblies of East Pakistan, the Punjab, Sindh, NWFP and Balochistan: December 1970.
8. Second General Elections - The National Assembly and the Provincial Assemblies of the Punjab, Sindh, NWFP and Balochistan: March 1977.
9. Uncontested Presidential referendum to secure a five year term for General Zia-ul-Haq: December 1984
10. Third General Elections: The National Assembly and four Provincial Assemblies of the Punjab, Sindh, NWFP and Balochistan: February 1985
(The military government of Zia-ul-Haq disallowed the political parties from participating in the elections).
11. Fourth General Elections: The National Assembly and the Provincial Assemblies of the Punjab, Sindh, NWFP and Balochistan: November 1988
(Party based elections. All the subsequent elections were also party-based).
12. Fifth General Elections: The National Assembly and four Provincial Assemblies: October 1990
13. Sixth General Elections: The National Assembly and four Provincial Assemblies: October 1993

14. Seventh General Elections: The National Assembly and four Provincial Assemblies: February 1997.
15. Presidential Referendum: April 30, 2002: General Pervez Musharraf was elected President in an uncontested referendum.
16. Eighth General Elections are expected to be held in October 2002 National Assembly and four Provincial Assembly. The Senate will be elected later through indirect elections.

NOTES

1. Norman D. Palmer, Elections and Political Development: The South Asian Experience (Karachi: Oxford University Press, 1975); p. 126.
2. M. Rashiduzzaman, Pakistan: A Study of Government and Politics (Dacca: Ideal Library, 1967), p. 83; G.W. Choudhury, Constitutional Development in Pakistan, 2nd edition (London: Longman Group, 1969), pp. 13, 19.
3. See for detailed analysis of the elections in 1965, Shariful Mujahid, "Pakistan's First Presidential Elections," Asian Survey (Vol. 5 No. 6, June 1965), pp. 280-294; by the same author, "The Assembly Elections in Pakistan," ibid., (Vol. 5 No. 11, November 1965), pp. 538-553.
4. See for a review of the Ayub Khan regime and its overthrow: Lawrence Ziring, The Ayub Khan Era: Politics in Pakistan, 1958-1969 (Syracuse: Syracuse University Press, 1971); Karl Von Vorys, Political Development in Pakistan (Princeton: Princeton University Press, 1965).
5. See Shariful Mujahid, "The 1977 Elections: An Analysis," in Manzooruddin Ahmad (ed.), Contemporary Pakistan: Politics, Economy, and Society (Karachi: Royal Book Company, 1980), pp. 63-91; Marvin G. Weinbaum, "The March 1977 Elections in Pakistan: Where Everyone Lost," Asian Survey (Vol. 17 No. 7, July 1977), pp. 599-618.
6. Hasan-Askari Rizvi, "Third General Elections in Pakistan, 1985," Pakistan Journal of Social Sciences (Vol. XI and X, 1985-86), pp. 1-21.
7. Christians are the largest religious minority in Pakistan, followed by the Hindus. Most of their political groups and leaders are opposed to the separate electorate.
8. For the details of the political crisis after the 1970 elections and the break-up of Pakistan in 1971, see Richard Sisson and Leo E. Rose, War and

Secession: Pakistan, India and the Creation of Bangladesh (Berkeley: University of California Press, 1990); Hasan Zaheer, The Separation of East Pakistan (Karachi: Oxford University Press, 1994); Safdar Mahmood, Pakistan Divided (Lahore: Jang Publishers, 1993); Hasan Askari Rizvi, Internal Strife and External Intervention (Lahore: Progressive Publishers, 1981).

9. For a study of the role of the military in Pakistan and the methods for changing from military to civilian rule, see Hasan-Askari Rizvi, Military, State and Society in Pakistan (London: Macmillan Press, 2000).
10. Constitution of the Islamic Republic of Pakistan, 1973, Article 218.
11. *Ibid.*, Article 220.
12. For a review of general elections since 1988, see Saleem Younas, Siyasi Ittehad aur Pakistani Siyasat par Aasar (Political alliances and their impact on Pakistani politics) (Lahore: Jang Publishers, 1993); Muhammad Waseem, The 1993 Elections in Pakistan (Lahore: Vanguard Books, 1994); Muhammad Waseem, "Pakistan Elections 1997: One Step Forward," in Craig Baxter and Charles H. Kennedy (eds), Pakistan: 1997 (Boulder: Westview Press, 1998).

AFGHAN CRISES; A DILEMMA FOR PAKISTAN'S SECURITY AND INTERNATIONAL RESPONSE

Syed Farooq Hasnat

Introduction

International terrorism in its meaning and concept, goes beyond the Second World War but gained significance as a political tool by the "weak" in recent years. In the current decades Afghanistan became synonymous with the acts of international terrorism and the terrorist groups like Al Quaida. Associated with these was a broadly propagated misnomer as the "Islamic Terrorism". The significance of international terrorist activities was recognized at least seriously, when on September 11 2001, the United States underwent a massive terrorist attack, targeting the two symbols of the American might. The Twin Towers of the World Trade Center represent the economic pride of the American private sector while the Pentagon in Washington D.C. signifies the military might of the sole super power. Apart from that, the intelligence agencies like CIA and FBI, regarded as efficient tools of the government, were severely challenged.

The U.S. President George Bush quickly branded the high scale terrorist attacks as an act of war and the fallout of the American fury soon began to generate heat on the suspected terrorist group of Osama bin Laden. Within a span of few days Pakistan became the prime attention of the U.S. policy makers. The regional and international communities have long regarded the Pakistani establishment as a principal supporter of the Taliban and a sympathizer of Osama bin Laden. As far as violence goes, the Pakistani law enforcement agencies carry a bad record, as there remained a complete apathy for the daily terrorist related murders on the streets of Pakistan and the suspected terrorist gangs were allowed to operate as the establishment looked on the other side. The leaders of these violent groups were frequent visitors to Kabul and Kandahar. In these circumstances it is no surprise that Pakistan was pushed to the wall with practically no option left but to succumb to the demands of the United States, either to be an active supporter and to

confront the Afghan based terrorists or to be branded a partner of the regional terrorist gangs. On September 15, 2001, President Bush remarked:

I am going to describe to our leadership what I saw: the wreckage of New York City, the signs of the first battle of war.

We're going to meet and deliberate and discuss - but there's no question about it, this act will not stand; we will find those who did it; we will smoke them out of their holes; we will get them running and we'll bring them to justice. We will not only deal with those who dare attack America, we will deal with those who harbor them and feed them and house them.

They will try to hide, they will try to avoid the United States and our allies - but we're not going to let them. They run to the hills; they find holes to get in. And we will do whatever it takes to smoke them out and get them running, and we'll get them. We put before the Pakistani government a specific list of things that we would like cooperation on, and they've agreed to all those items. I'm not prepared to announce today what those specific items are. But the Pakistani government was very forthcoming and we're appreciative.¹

The United States started its combat operations against Afghanistan from October 7th and within one month the Northern Alliance supported by the American airpower were able to capture Mazar-e-Sharif and a month later, the last major city – Kandahar – came under the control of the newly installed Kabul regime. The events in the war-stricken Afghanistan moved at a drastic pace - the Taliban in quick succession conceded the fall of seven provinces including Mazar-e-Sharif, Jauzan, Takhar, Samangan, Bamiyan, Baghdees and Farab to the Northern Alliance. These were considered the seats of government for the Northern Alliance before being driven away by the Taliban forces in September 2000. The Northern Alliance also captured Kabul, Kunduz, Herat and Jalalabad in similar swiftness. Mazar-e-Sharif was important for the coalition strategists, as it provided a land route to Uzbekistan, where a large contingent of American troops was stationed, while Kandahar and Jalalabad were the power centers of the Taliban.

A dramatic change in the Afghan situation let the regional countries grasping for explanations and even the coalition's estimates of the Taliban military capacity seemed over-estimated they just fell like a house of cards and vanished in thin air. Their retreat from their "strong holds" was with an astonishing speed and the images of surrender from Konduz, along with their armor as well as the insensitive behavior in which they laid down their arms, tells it all. It is believed that there were more than 20,000 Taliban fighters and their supporters in the Pashtoon majority city in the North.

There might not be a similar instance where a fighting force submitted in a manner that it was armed to the teeth - with their tanks, jeeps and rocket launchers and least of all the smiling faces. To make it worse, the Taliban militia left behind their foreign supporters with criminal negligence, knowing well that there would be revenge and a blood bath by the rag-tag warlords of the Northern Alliance. Taliban deputy defence minister Mulla Fazal Akhund is quoted to have said on November 22nd that he had held negotiations with General Rashid Dostum, an Uzbek commander, in Mazar-i-Sharif and that he would give himself up. Convincingly, he went on to say that "there will be peace and nothing will happen." The irony is that those who operated under the name of Islam could not bring harmony and tranquility for the weaker sections of the society whom they ruled with an iron hand for more than five years, but were quick to surrender in front of a stronger force, a typical characteristics of a bully.

As soon as the northern city was retaken from the Taliban, as expected a serious difference arose between the Uzbek forces and the Tajik commanders. The supporters of Atta Mohammed, a Tajik said that without their help General Dostum could not have entered the city, and quickly refuted General Rashid Dostum's claim that he alone is responsible for ousting the Talibans. On top of it, Philip Smith the Uzbek Commander's representative in the American capital, made a claim that the General was being supported by the "U.S. Special Forces along with CIA operatives and Turkish troops". However, the reality is that without the American heavy bombing for over a month, the Northern Alliances could not have made any progress and their gloating over the "victories" was nothing but a hollow pretense.

In ultimate assessment, the Northern Alliance is a rag tag of warlords, who were responsible for mass violations of human rights before the Taliban over took them in 1998. It is also attributed to more than 50,000 deaths and a massive destruction of Kabul, when they ruled the city from 1992 to 1996.

Soon after the Alliances' assault the American President George Bush, while responding at a press conference with the visiting Pakistani President General Pervez Musharraf said that: "We share a common view that in order for there to be a country that is stable and peaceful on this good leader's western border, that any power arrangement must be shared with the different tribes within Afghanistan. A key signal of that will be how the city of Kabul is treated." But the British Defense Secretary Geoff Hoon was quick to contradict by admitting that their troops in Afghanistan are working alongside with the Northern Alliance "as they advanced on the capital Kabul". No matter what the American President said at this moment and no matter what dimensions the coalition's strategy took shape for the future, it presented a long drawn thorny conflict with serious regional repercussions. The Americans have a discrete agenda in Afghanistan and they would not like any external factor to influence its ultimate objectives. Promises of yesterday and today might not withstand the hard realities of tomorrow.

According to the official American statistics, at this war theater, the U.S air force bombers dropped 24000 bombs of which 13,000 were precision-guided. There were 55,150 sorties flown in which 2700 fighters and 1725 bombers were used.² The most extensively used weaponry was the 6,750 Kilogram "daisy cutter" bombs, which has a devastating capacity to destroy within 600 meters and its shock waves are felt several kilometers away. It is the deadliest bomb in the American arsenal and can be regarded as a fraction less than weapons of mass destruction. After more than a year of the Afghan-U.S. war, the fate of the frontline Taliban soldiers is unknown as there are no official casualty figures available. It can be presumed that the casualty list could be extensive it can mount to thousands notwithstanding the civilians killed in the bombing spree of the American air force. According to Professor Marc W. Herold, (Professor of Economics, International Relations, and

Women's Studies at the University of New Hampshire) who investigated and compared US led wars (1969-2001) civilian casualty figures and believes that there were 3,700 deaths of the Afghan civilians caused by the aerial bombing.³ Professor Herold said that "People have to know that there is a human cost to war, and that this is a war with thousands of casualties. These were poor people to begin with, and, on top of that, they had absolutely nothing to do with the events of September 11."⁴ On the other hand Pentagon repeatedly denied reports of civilian casualties in Afghanistan, and preferred to use the commonly used phrase, "could not be independently confirmed."

The Afghan Perplexity

In April 1988, Afghanistan, Pakistan, the Soviet Union and the United States signed an accord providing for Soviet withdrawal, and the return of the Afghan refugees. The Geneva accords stipulated that Washington and Moscow should oversee and guarantee the plan. But, the Americans got disinterested in Afghanistan, once their interests were served, while the Soviets disintegrated. Its own leaders left the country at the mercy of adventure and plunder. Nonetheless, though the Pakistani establishment played some initial role by providing a platform for the Afghan factions to discuss their differences but not enough as a responsible active neutral - to supervise reconciliation within the Afghan factional groups.

Afghanistan remained unstable since the Soviet Invasion in 1978 and with the passing time events took a turn whereby splitting Afghanistan into zones of war lords. Within the flurry of global post-cold war readjustments and regional armed conflicts, Afghanistan posed one of the most complex and hard tasks for traditional peacekeepers. The United Nations and the regional groupings, such as the Organisation of Islamic Conference (OIC) and the Economic Cooperation Organisation (ECO), were reduced to mere spectators.

On September 11, 1996 the Taliban captured the eastern city of Jalalabad and within two weeks were able to take control of Kabul. In the process, villages and cities fell without any resistance. There was not

one single major battle which the Taliban had to fight. Frustrated with the unwise policies of the warlords, the Afghan people supported the Taliban, for peace and stability. Military commanders like Burhanuddin Rabbani, Ahmed Shah Massud and former communist General Dostum ridiculed the admirable Afghan struggle against the Soviet invasion. In the post-Soviet era they thrived by marketing narcotics and arms, while the people suffered in poverty and misery.

It was established that since the Taliban were in firm control of the three-fourths of Afghanistan, including the capital and two of the key cities, Jalalabad and Herat, they would offer a dialogue to accommodate other ethnic factions in the mainstream. Hizb-i-Islami leader Gulbuddin Hekmatyar could have been the first choice of the new Afghan leadership of time. But ultimately Mulla Umer the undisputed leader of the militia decided to exclude all other factions of the Afghan polity. In Afghanistan, the Pushtun represent more than 60 per cent of the total population, while the other six ethnic groups, Uzbek, Turkmen, Farsiwan, Aimaq, Sialbash and the Hazaras, are distinctive by their peculiar political as well as social ambitions which in the past were a major cause of conflict with the larger tribes of their society. There was never a uniform popular attitude towards the central authority, but after the Soviet colonial experience the sense of belonging and affinity with the land of Afghanistan as a single entity should have posed less problems however it never was the case.

It is much advertised that when the Taliban emerged on the Afghan scene, there was a total chaos in the country and that the warlords were engaged in never ending activities of brutality, rape and other gross violations of human rights. It is also on record that the minority Tajiks usurped the power in Kabul and refused to accommodate other ethnic minorities, and even the majority Pashtuns were left out, in sharing the management of the territory. But, at the same instance, those who supported the Taliban militia expected a much saner and balanced behaviour from the newly arrived. The Taliban leadership under semi educated Mullah Umar failed on all accounts. The militia fell short of understanding certain hard realities of statecraft. Their behavior towards the regional and the world community was beyond any logical explanations. After all Islamic history is full of the science of statecraft,

diplomatic maneuvering and dealings with its adversaries- but the Taliban had their own narrow tribal-based agenda. There was little understanding of the genuine Islamic norms and no attempt was made to learn from the religious scholars in other communities or for that matter from within their own immediate surroundings. General Kamal Matinuddin quotes Qazi Hussain Ahmed, Chief of the Jamaat-i-Islami in his book *"The Taliban Phenomenon"*, to have expressed his disappointment in the credentials of the Taliban leadership. The Jamaat chief is reported to have remarked about the Madaris, from where the Taliban leadership received their basic learning that "education was not being properly taught as the teachers were uneducated maulvies."⁵

Similarly, no lesson was learnt from the welfare concept of an Islamic State and not a glimpse is evident from the Taliban to base their society on the socio-economic justice. On the contrary, all actions of the Taliban went in the opposite direction. Even those agencies of the United Nations and World Community that made efforts to help the vulnerable and impoverished Afghan population were pushed away with unexplainable vengeance. Osama bin Laden, an "honoured" guest of the Taliban was a multi-billionaire, but did not spend any of his wealth to lessen the miseries of the Afghan poor.

Instead, the Taliban rulers busied themselves in trivial acts, hitting hard at the private lives and habits of those who were forced to live under their thumb. A glaring example is that of several decrees that the Taliban passed when they took over in Kabul in 1996. To quote just a few - in December of the same year, the people of Afghanistan were forbidden to do the following: (1) To prevent keeping pigeons and playing with birds: Within ten days this habit/hobby should stop. After ten days this should be monitored and the pigeons and other playing birds should be killed. (2) To prevent kite-flying: The kite shops in the city should be abolished. (3) To prevent the British and American hairstyle: People with long hair should be arrested and taken to the Religious Police department to shave their hair. The criminal has to pay the barber. (4) To prevent beard shaving and its cutting: After one and a half months if anyone observed who has shaved and/or cut his beard, they should be arrested and imprisoned until their beard gets bushy (One wonders from

where the "cutting" part comes from).⁶ Still further, under the Taliban, the women were not permitted to work but were readily allowed to beg on the streets of Kabul.

On December 7th, 2000, in a rare move, the Americans and the Russians jointly proposed for a strict UN Security Council sanctions against Afghanistan. Both the countries showed concerns about the "Taliban's influence across Central Asia and beyond, concluding that the Islamic movement supports Muslim militancy and international terrorism. Both Moscow and Washington discount fears that the new sanctions could harden the Taliban's position and ruin prospects of a negotiated settlement of the Afghan civil war."⁷ At that moment probabilities were discussed of the joint action by the world community and its fallout in the region in these words:

The combination of a U.S.-Russian strike and harsher UN sanctions against the Taliban would alter the geopolitics of Central and South Asia. It would further isolate Pakistan, which supports the Taliban, and destabilize the beleaguered military regime of Gen. Pervaiz Musharraf. This would enhance India's role in the region--and increase a U.S. tilt toward New Delhi. Even China might be enlisted in the fight against Islamic fundamentalism and terrorism. And anti-Taliban forces led by Ahmad Shah Masud holding out in Afghanistan would get a new lease of life.⁸

Earlier in December 1999, Lakhdar Brahimi, the UN Secretary General's special representative for Afghanistan, visibly disappointed by the on going war and foreign intervention in Afghanistan remarked: "everybody knows some of the countries around Afghanistan are directly helping the war efforts". He further said, "Afghanistan is a war-torn country. It is a country that does not produce fuel, it does not produce food, it does not produce cloth and, above all, it does not produce weapons. It is true that the Russians did leave plenty of weapons; it is true that many of the tanks and planes that were left by the Soviet Union are still being used. But these need spare parts, above all they need ammunitions and these have to come from outside and they have to be brought in through the land, territories or air space of the

neighbours".⁹

Before September this year, Afghanistan would present a perplexing scene, harder to comprehend even for those who had followed the Afghan situation since the Soviet invasion of that country in 1979. The frequent shifting of alliances and loyalties by the factional warlords made the country suffers; despair extended and all norms of progress vanished. But this time, no external force was directly responsible for their plight and they had only themselves to blame.

Fall out on Pakistan

Pakistan became a front line State not by its ability to perform an effective role in the Afghan crisis but as an accident of being a geographic neighbor of that country. Thereby, there is nothing to be pompous about. In this regard an erroneous assumption that we must play a role in the future government making in Afghanistan was not accepted by those who were aware of the complexity of the Afghan society and its attachment with international terrorism. Pakistan does not have a capacity to perform any such feat politically, economically and above all morally. The Pakistani establishment is still under strict scrutiny by the U.S. government and as Secretary of State Collin Powell said, "I think we should stop saying, Can we trust (them)? Can we trust? We will see what they are going to be able to do". There was no possibility that in post 9/11 the Pakistani establishment could have wriggled out of the mess, of which it was equally responsible. Whether it liked it or not Pakistan was destined to serve the American security interests and soon became an active party to military operations against the soil of Afghanistan. The then Foreign Minister of Pakistan Abdul Sattar tried to justify the Pakistani commitment to the American demands and attempted to hide behind such phrases as "United Nations Security Council's resolutions" but the fact remains that it remained an American war and would stay so. Just before the American terrorist incident, On September 8th, the Pakistani Foreign Minister had said that Pakistan enjoys good relations with Kabul and that the sanctions against that country were not justified. He went on to elaborate that:

It has been our view that a policy of engagement with the government of Afghanistan is better than a policy that seeks to isolate them and push them against a wall. The sanctions that are imposed are one-sided... This policy needs to be reviewed in our view so that it is both a constraint and an incentive for all parties within Afghanistan to engage in peaceful settlements.¹⁰

The Pakistani establishment presented rigid policy positions when it came to Afghanistan, carrying little for the international opinion or even the larger interests of the Pakistani society, as demonstrated by the above quoted utterance of the then Foreign Minister. Pakistani inapt policy makers tried to play a role, which was much beyond their capacity. Before the start of the Afghan-American war, Pakistan presented an attitude as if it was unable to conduct itself as a mature and responsible State and instead of adopting a role of a peacemaker it opted to become a party in the Afghan civil war.

If one examines the statements of the government of Pakistan's functionaries, since the happenings of 9/11, an impression was given that instead of designing a clear-cut policy towards Afghanistan, there existed a lack of conviction as well as confidence in Islamabad. A segment of the population read it as a signal of sympathy for the Taliban while others interpret for an outright support for the American position against International Terrorism. Another part of the population was of the view that the government in Islamabad accepted the American conditions under duress. There are still others who firmly believed that the decision makers were playing "hard to get" with the Americans.

The reality is that the government wanted to keep all parties guessing and satisfied at the same time. There was a serious danger which goes together with this policy - that with the arrival of the ultimate, it could have annoyed all actors in the Afghan riddle and would have destabilized the society still further. As a consequence, the people of Pakistan remained confused and the apprehensions regarding the wrong messages being sent to the wrong people remained strong. It would become still serious if the international community's perception is not corrected in a positive direction, notwithstanding that on a number of occasions assurances are being made to the international anti-terrorist collision that every effort will be made to go along with the new fight

against terror.

In the days proceeding 9/11, at least two high-powered Pakistani delegations visited Kandhar apparently requesting Mullah Umar to listen to reason and take appropriate steps to defuse the situation. The latest delegation of September 29th was assigned to convince the Taliban to comprehend the requirements of the changing global realities. The demand also included releasing the arrested aid workers. Although the official circles denied, the delegations had the blessings of the Islamabad establishment and were accompanied by high-ranking military officials including the Director General of Inter Services Intelligence (ISI) Lt. General Mehmood. No other than Mullah Umar's teacher formed a part of the good-will delegation from Pakistan. On their return, one of the companions of the ten-member delegation said, "we did not discuss Osama. Osama was not on our agenda". While the Afghan Council in Karachi explained: "It is not possible that clerics of such a caliber would make such irresponsible demands, because without evidence the Americans would never give up a person, so why should we be expected to do that?"¹¹ Even a list presented of 40 Pakistani terrorists that had taken refuge in the Afghan territory was not entertained. The visit of the Pakistani delegation and the reaction of its members generated more suspicion than it contributed anything of the sort towards the already hostile international environment against terrorism.

The above expressions clearly demonstrate that from Pakistan's perception little progress was made in solving the crisis. The enigma is that the similar ideological views pushes the Talibanised Pakistani Ulemas to be more inclined towards Afghanistan. Not long ago, one of such leaders is on record to have said that if a choice is made between the two countries, he would choose Afghanistan. Reacting to the second delegation's return, the Foreign Office spokes person sheepishly admitted that "both Afghan leadership and Ulema have reaffirmed their commitment to security, safety and integrity" of the two neighbouring nations. He further said that both the parties agreed to be in contact with each other and that another meeting might take over "as and when necessary". Such casual remarks in the fast moving events, which

threaten Pakistan's security, speak volumes for themselves. The official announcement reflected lack of clarity and proper management crisis riddle of the country's policy.

Furthermore, it seemed clear that the Taliban and their Pakistani supporters had little comprehension of the developments around them and had no clue regarding the security hazards to Pakistan or alternatively they were getting wrong signals from the Islamabad power circles. It is said by Mullah Umar's critics that the Kabul militia was completely ignorant about the complications of the regional as well as global system and that they operated purely on pre-Islamic tribal traditions. Depriving the girls to attend schools, closing down the television station, prohibiting the women to consult male doctors, even if the disease relates to a complicated brain surgery are just few examples to support the arguments. A glaring contradiction is that if the girls are not educated, then how can female doctors be produced in the first place. The Taliban had no answers for such logical proposals.

As the Pakistani government was beating around the bush and little did know that the American and the British commandos had already started to operate in Afghanistan, a news that was neither denied nor confirmed by the U.S. officials – an indication that the Pakistani efforts to engage the Taliban were of little consequence for the American policy strategists. In parallel but contradictory developments, Pakistan was quick to ban Harkat-ul-Mujahideen, a Kashmir related organization and froze the accounts of the Al Rashid Trust, as desired by the United States and the United Nations Security Council's unanimous resolution of September 29th which says in part: "Freeze without delay" the resources of terrorists and terror organizations. It also put restrictions by demanding from the member countries to "deny safe havens to those who finance, plan, support or commit terrorist acts, or provide safe havens".

In short, even at that critical hour the Pakistani establishment could not coordinate its Afghan policy within the country and along with the international anti-terrorist coalition as well. In reality ever since the withdrawal of the Soviet Union it never had a long-term strategy on the Afghan situation, Time and again it was being advocated that external

interference in Afghanistan has always met with failures – reference to the British and the Soviets – but those who said the loudest violated this basic principle themselves. Pakistan under Benazir Bhutto's second tenure (1993-1996) never hesitated to interfere in the Afghan affairs, a tradition that was carried on by the successive governments. These regimes nourished and encouraged the Taliban in their civil war against the Northern Alliance, caring little for the growing civil rights violations and ignoring the vital interests of Pakistan. Even during the midst of the post 9/11, a mind set was visible in the Foreign Office and amongst the various sections of the ruling elite that Pakistan must obstruct any settlement, which would dislodge the Taliban from Kabul and they regarded it as a perfect model for preserving Pakistan's security interests. It is in this backdrop of misperceptions and misjudgments that a former foreign minister had to express his apprehensions in these words:

A word of advice to Pakistan: difficult days are ahead for us. There is no need for us to panic. But let us be clear where we stand. While America simmers with rage, Washington will be less tolerant towards us. There are those in the US who have indicated that parts of Pakistan can be hit. The hawks must be advising Bush to hit Pakistan's missile and nuclear installations. Washington will be in no mood to accept Islamabad's explanations and reasons.¹²

However, the reality is far from what the Pakistani elite perceived. As a direct result of interfering in the Afghan affairs, the Pakistan society had to confront at least two evils. One in the form of branding ourselves with the terrorists and the other is related to the ideological decay in our society. The first is reflected in the worldwide suspicion of Pakistan's involvement in international terrorism – thus isolating Pakistan, both in the regional as well as in its international environments. Most dangerous of all the Pakistani status as a responsible nuclear power has come under strict scrutiny. Even in the hour of dire security risk, no regional country is prepared to establish close diplomatic coordination with Pakistan and the government found it extremely difficult to invite itself even to the friendliest of the friendly Muslim community of nations. Pakistan's contacts could not exceed beyond telephonic conversations. On the contrary, the rest of Afghanistan neighbours had established

Afghan related contacts with the regional nations. To illustrate, during the midst of Afghan crises Iran's Foreign Minister Kamal Kharazi visited Lebanon, Syria and above all Egypt with whom it does not enjoy cordial relations and the Gulf Cooperation Council (GCC) members stepped up their coordinating efforts as well and same goes for the Central Asian Republics.

The other adverse fall out of interference in the Afghan affairs distorted the traditional Pakistani society, hitting at its ideological roots, notwithstanding the gun and drug culture. The Pakistani society was constructed on the promises of love and peace. The Sufis and poets like Shah Abdul Latif Bhatai, Khwaja Ghulam Farid, Waris Shah, Rehman Baba, Khushal Khan Khattak, Bullay Shah and many others preached message of love, kindness, compassion and tolerance. Under the influence of these saints, the Pakistani society knew no other norms but of Islamic tenderness until a few decades back the Talibanisation started to take its roots in the pure land. While the successive governments looked the other way, the pre-Islamic creed of religious cults and gangs introduced hate, murder and bigotry in the minds of the Pakistani youth. Murder and attacks on the mosques of those who resisted this alien creed became a common occurrence. Taking advantage of rampant poverty and unemployment, the youth were taken from their mothers' laps, brain washed and dispatched unprepared to the war-zones, where either they disappeared or their dead bodies arrived home. All this was done in the name of jihad. The Taliban had declared their civil war with the fellow Muslim Northern Alliance as a holy war and a Fatwa was issued in this regard.

Inculcated by the Talibanised Mullas of Pakistan, this poison of hate devastated families all around Pakistan. The love and compassion gave way to the new language of extremism and terrorism. The language of firearms became a fashion of the time and in this process gradually the Pakistani society lost its honor, dignity, sanity and above all its balance it succumbed to the alien culture and habits. The networks established by the Talibanised Pakistanis had close contacts with the Taliban and probably with Osama bin Laden as well.

In order to regain its honour and to get rid of the culture of hate and

bigotry, the honorable solution for Pakistan would have been to adopt a rigid "hands off policy" on Afghanistan. Already we are being accused of colonial tendencies towards our Western neighbour. Dr. Stephen Cohen, an expert on the Pakistani affairs, in October, 2001 interview vividly said that Pakistan had been following a policy of colonization in Afghanistan. Along with that, the government in Islamabad should make all efforts to eliminate militancy from the Pakistani society. No matter how much we cooperate with the Americans, any weaknesses on the part of the rulers would seriously jeopardize our nuclear as well as missile facilities. If the Americans felt that the government in Islamabad is too weak to protect the facilities from Pakistani extremist groups, they would not hesitate to damage our very precious assets. Already a hint has been given in a September 30th, 2001 CNN interview of General Pervaiz Musharaf. It was asked "would he destroy the nuclear installations, if they were in the danger of falling in the hands of the militants?" The pointed question to the Pakistani President said it all. It clearly reflected the thinking and apprehensions about the responsible nature of the Pakistani establishment.

Foreign volunteers from various nationalities came to Afghanistan, convinced by the Taliban leadership that their hosts are fighting a jihad against the evil forces. In the case of the Pakistanis, the leaders of "Talibinized" religious gangs were as guilty as the Taliban militia. These semi educated elements who have no knowledge of the spirit of Islam were directly responsible for the slaughter of thousands of youth in many cases their parents were not even aware of the real intensions of those who taught them at the madrassas. The principal violator in this tragedy had been the Amir of Tehrik-i-Nifaz-Shariat (TNSM), Maulana Sufi Muhammad who was instrumental in leaving behind (all in the name of fighting a Jihad against the United States) more than eight thousand young people in Afghanistan, while he returned to Pakistan, gasping for his life. He was arrested and jailed for three years by the Pakistani authorities. What is required is a murder charge against the Maulana as according to one report hundreds of those abandoned were killed in Mazar-I-Sharif, while unknown large number of innocent youth was trapped in the besieged Kunduz. The TNSM admitted that more than three thousand of their "brain-washed" young boys were missing and they had no information whether they were dead or imprisoned.

Afterwards, the so-called Jihadi group pleaded the "infidel" Northern Alliance to release those who were left behind on the war fronts in Afghanistan. A 13-member delegation visited Afghanistan to impress upon the Northern Alliance their "gravest gaffe". Interestingly, the appeal was not being made in the name of Islam but on reciprocal nationalist considerations. Haji Roohullah, a representative of the TNSM was reported to have said that his delegation would impress upon the Afghan conquering leaders that they should consider that Pakistan has been a "place of refugee for over two decades". He further said, "We will impress upon the leaders to show the same magnanimity and large-heartedness." One just wonders that where has the big talk of Jihad gone and still further whether the Pakistani military regime took firm measures against those who were responsible for the useless murders of the Pakistani youth. These reckless acts not only are responsible for the loss of precious lives but it also brought a bad name to the country a damage that would take a horrendous task and decades of hard work to be erased. After much hesitancy in January 2002, the group was banned for being involved in militancy.

The supporters of the so-called religious extremist leaders in Pakistan are as much ignorant as their benefactors. Most of the students in their Madrassas are from the poorest of the poor communities and their main attraction is to get free food and clothing from these institutions. There are some who are attracted towards these self styled religious groups as they provide them with much needed identity, which they otherwise cannot achieve in a corrupt and callous socio-economic setup of Pakistan. Thus, left in lurch by the society, they become an easy prey to the whimsical desires of the Maulvies. The respective governments in Pakistan should have had enough character and courage to accept at least some responsibility for the ubiquitous massacre of the Pakistani youth and the tragedy of Afghanistan bungle, on at least four accounts.

One, the establishment in Islamabad failed to provide basic facilities for the less privileged families and as a consequence they were lured in by the vested interests. The ruling elite and their kin pompous lives - mostly through plundering the assets of the country.

Secondly, they turned their faces on the other side when the so-

called Jihadi groups started to send their recruits to take part in the Afghan civil war. The Islamabad establishment cannot exonerate itself by saying that the Pakistanis crossed the border without proper documents or permission. If they did so, that by itself is a failure of the authorities to perform their assigned duties.

Thirdly, no other than the Pakistani establishment knew that a gross violation of human rights in Afghanistan existed and no attempt was made to discourage that. An explanation that Afghanistan is a sovereign country and thereby we would not interfere would not stand, as the world knows that Pakistan could, if it wanted to, exercise sufficient leverage on the Kabul rulers. A regular parade of the Taliban officials in the five long years, to Islamabad and vice versa would negate all the excuses.

Fourthly, Pakistan continued its diplomatic links with the Taliban regime, even after the fall of Kabul, falsifying its previous stance that it recognizes governments that control the Afghan capital. It was at the American scolding that the Embassy in Islamabad was closed.

Pakistani Establishment's obsession with the Taliban regime in Afghanistan presented grave consequences for their country. The Taliban and their extremist policies gave a bad name to Pakistan. It had a devastating effect in Pakistan's relationships with its traditional allies like Iran, Turkey, the rest of the Middle East and the Central Asian Republics. At one stage, even China became apprehensive about our pro-Taliban posture and its fallout in the Xinjiang province bordering Pakistan and Afghanistan. The most negative effect of Talibanisation in Pakistan came when India got the opportunity to propagate and effectively neutralize the Middle Eastern opinion and the indigenous Kashmir freedom struggle was "linked" with the extremist elements in Pakistan via Taliban Afghanistan.

However, Islamabad's links with the Taliban remained one sided. At least on two vital occasions the Afghan government ignored Pakistani requests. One was regarding the safety of the Iranian diplomats in Herat and second dealt with the unwarranted demolition of centuries old Buddha statues. These incidents damaged Pakistan's creditability still further, creating more suspicion about our dubious dealings with the

Afghan regime. It also proved that how little leverage we exercise on Kabul. Ultimate result came the month of September 2001 when the United Nations monitors were stationed at Pak-Afghan border- a direct consequence of our bad Afghan policy. In these circumstances it was but natural that Pakistan became a villain in the Afghanistan episode, not only in the perception of the Afghan people but also for the International Community.

Overnight, the regional as well as International security scene underwent a drastic change. The existing policies or lack of a comprehensive strategy is no more relevant for the Pakistani establishment. It has to begin from a clean slate, underneath which lays a complex unfolding of events. In the near future Pakistan could face a new regional formation with changed security requirements. Pakistan's utmost desire would be to keep the Indians away from taking a leading part in the new arrangements. In this respect the government of Pakistan made it clear to the Americans that it would "not accept Israel or India to be part of any multilateral force that might be based in the region". Both these countries have a track record of "State Terrorism" against the Palestinians and the Kashmiris, respectively. During the Soviet Invasion of Afghanistan (1980-1989) the Indians supported the Soviet occupation and thereby were left in the cold when the post-Soviet era started. In recent times, they are staging a come back, courtesy the Iranians, who are angry at Pakistan on the Taliban issue.

The requirements of Pakistan's well being and security demands that the government should come out with a heavy hand on the domestic terrorist cults and groups as they have done enough damage to the society, ripping it apart thus jeopardizing our security and vital national interests. According to a reliable estimate, in Karachi nearly 70 doctors became victim of the religious fanatics, and, "significantly, 56 belonged to one sect." One cannot agree more with the September 10, 2001 conclusions of an editorial of a leading English daily. It read, "One can understand the Interior Minister's despair at the attitude of those sectarian groups which have become inured to the aggressive assertion of their brand of religion, ... If they fail to see reason, peace and security of the people and, indeed, the future of the country cannot be made a

hostage to their wishes."¹³

It won't be an over statement to say that as a minimum Pakistan has to overhaul its regional strategy, put in order its perception abilities and a lot of work is to be done to establish a strong structure for the task ahead and for that a new decision-making apparatus must be positioned in place.

There are at least two concerns stemming out of the Afghan quandary that Pakistan must address. It must adopt a "hands off policy" in Afghanistan. For that, those personalities in the Foreign Office and the ISI that took active part in the "messed up" Afghan policy must stay clear of any future role. The Islamabad government must establish an autonomous "Afghanistan Policy Coordination Cell" whose job should be to analyze the short as well as long term goals of Pakistan's interests towards its Western neighbour. At the same instance the Cell should be responsible for finding means to minimize the damage that had occurred due to flawed policies. Islamabad must watch out for the "lone rangers" and self-styled "Afghan experts" Over the years these government and non-official functionaries developed personal and financial stakes in the Afghanistan crisis and have developed a certain mind-set. In they went un-checked and did not hesitate to resist appropriate changes in the policy posture of Pakistan.

Secondly, Pakistan's concerns should be more diverted to "save" the Kashmiri Freedom Struggle from the wild witch-hunt for a terrorist connection. We should be conscious of the American President George Bush's November 10th, 2001 speech at the UN General Assembly, where he said that: "In this world, there are good causes and bad causes, and we may disagree on where that line is drawn. Yet, there is no such thing as a good terrorist. No national aspiration, no remembered wrong can ever justify the deliberate murder of the innocent. Any government that rejects this principle, trying to pick and choose its terrorist friends, will know the consequences." The interpretation of President Bush's ideas can be envisioned in a variety of ways and that becomes a slippery path on which future Pakistan has to walk. As explained above, we have been a party in a civil war the earlier

we understand that the better it would serve our national interests. Nations with a vision do not become a victim of their geography. At this moment of history, Pakistan stands a great chance to salvage its position it can put its house in order and can once again reestablish its Position by making an effective regional alliance that was so foolishly lost. We must understand that if we leave any gaps in our regional relationships, it would be quickly filled by our Eastern neighbour.

Pakistan has got an opportunity in the present crisis to reevaluate its policies and exist from the "Afghan muddle" that it had created for itself. Recently, Pakistan was able to re-establish initial contacts with its traditional allies, Iran and Turkey Pakistan must take maximum advantage of this new development and establish close policy coordination with its traditional allies not through words as was being done in the past but by deeds. To be noted in this respect are the hindrances created by the Foreign Office establishment in Islamabad. A glaring recent example would demonstrate just that. As a gesture of goodwill and with a definite purpose to establish contacts for a coordinated regional foreign policy. President General Pervez Musharraf, while on its way to New York, stopped at Tehran and Ankara. Surprisingly enough, the Foreign Office establishment branded it as a "technical stop". This unexplainable behaviour grossly undermined the President's visit and one can only hope that the damage inflicted on the country's national interests is able to be minimized- especially at this crucial time for Pakistan's security re-alignments.

After the United States announced to proceed against the Taliban, the Northern Alliance offered its "15,000 soldiers to back U.S. fight against terrorism". It seems logical that the Americans would install the Northern Alliance in Kabul, as it is recognized as a legitimate government of Afghanistan by World Organisations like the United Nations and the Organisation of Islamic Conference (OIC). In some circles of Pakistan it was regarded as a set back for Pakistan's security - but given the landlocked nature of the country, and once the dust settles down, the new government in Kabul, as in the past, would remain dependent on Pakistan for its land route to the Arabian Sea. On the contrary, the Indian hegemonic designs and their past hostile history towards the Afghans, would be an obstacle for any Afghan government

to move too close to the Indians. The dilemma for Pakistan is that the recent conflict will be extensive in terms of volume and time and on the other side the domestic "hardliner genie" is too big to cope.

Pakistan can also make efforts to gain maximum political leverage by siding with the Americans. In short, the Pakistani Establishment would be looking for measures to minimize the damage, to safeguard its nuclear and missile capabilities and avoiding an economic disaster. At the same moment it must take all measures to separate the Kashmiri freedom struggle from the frenzy of terrorist phobia. The real question is that given the poor perceptions and planning of the Pakistani establishment, will we be able to achieve these objectives? The fundamental query is that how the establishment would correctly perceive the future advances, especially when the past experience was not very encouraging.

Amongst the regional nations, Pakistan could be the most essential in helping bring to this unfortunate land. It has the longest border with Afghanistan and thus the capacity to provide all needed logistic support to the landlocked country. Afghanistan owes its trade and social support to the liberal passage policies of its eastern neighbour; Pakistan has close religious and ethnic links with Afghanistan; Pakistan provided a safe heaven to the 3 million Afghan refugees that fled after the Soviet invasion; the Afghan Mujahideens were provided Pakistani passports and the borders were kept open for those who wanted to take asylum in Pakistan; all Afghan leaders were given extensive Pakistani support against the Soviet invasion and they operated from the Pakistani territory, thus subjecting Pakistan to frequent Soviet bombardments and sabotage activities in which thousands of Pakistani citizens lost their lives. Pakistan should, once again, play its role by persuading the OIC and the ECO countries to help bring the Afghan factions together for a meaningful dialogue and rehabilitation.

As the Afghan issue has reached a turning point where it is required that drastic adjustments are made in Pakistan's policies. It is important because our Afghan policy is being perceived with suspicion by the Afghan factions as well as by our traditional Muslim allies. At this juncture an opportunity is presented to depart from our defective

perceptions of the past and to set the record straight. We have got yet another chance to amend our follies.

Afghanistan, Terrorism and World Community

The fallout of the American, not so defined, policy of combating against the terrorist groups and their activities around the globe, gained momentum with each passing month. The Bush administration in numerous policy projections spelled out the "new American global objectives" and as a follow-up the rhetoric of "war against terrorism" began to lose its balance as well as logic. Well-defined international laws were openly defied and new meaning to the State operations was provided. The events of September 11, 2001 overtook the value system established since the collapse of the Soviet Union in 1990 and since then a new meaning to international security is in fashion, in which the State has been provided the authority to deal with its adversaries as and when it likes. The new rules have changed the concepts of State terrorism and those who have preached the noble principle of justice, rule of law and respect for human rights, for decades, have begun to tolerate the violations of human rights, in the pretext of a "war" against terrorism.

The transformed global background in which the Americans have laid down new rules of international and regional conduct and have attained a sole authority to interpret the global conflicts as according to its own requirements. Now, the United States and its allies hold the prerogative to determine for the "global village" what is moral, proper and a civilized behavior. Thanks to Osama bin Laden and the Taliban for their wicked acts - the "civilized western world" has acquired the "global legitimacy" to brand anyone whom they dislike as a terrorist, especially if it does not fit in the grand design of their national strategy. To put it simply, the American President has resolutely declared that "either you are with us or otherwise...." The violators, it has been determined, would face a barrage of daisy cutters, cluster bombs, F-16s and if the need be, even atomic weaponry. It becomes convenient then, to brand the Palestinians and the Kashmiri freedom fighters as terrorists, irrespective of the fact that they are reacting against the terrorist measures of the Israeli and the Indian policies of annihilation. This is in

spite of the fact that on April 30, 2001, the valuable Mitchell Report in its recommendations to President Bush wrote that the Israelis "should abandon the blanket characterization of the current uprising as 'an armed conflict short of war', which fails to discriminate between terrorism and protest". The Report went on to observe and recommend the following four important rudiments of the Israeli-Palestinian relations:

- *fear, hate, anger and frustration has risen on both sides
- *the "culture of peace" carefully established over the last decade is in danger of being destroyed
- *there is a growing sense of futility and despair, and a growing resort to violence
- *the situation will keep on getting worse unless the government of Israel and the Palestinian Authority take swift and decisive action

Little has the United States realized that its policy of tolerating the Israeli brutality of assassinations, demolishing of the Palestinian homes, encirclement of the Palestinians towns and villages and ruthless bombing which kills new born babies has brought mistrust and bitterness towards the Americans which in turn has badly damaged its relations with the Muslim societies. The damage is more exaggerated when the U.S. officials condemn every act of the Palestinians in the strongest possible terms. This time they even termed the out of proportion Israeli response as an act of "Israeli self-defence". Expressing the Arab public sentiments, Bahrain's daily Akbar al-Arab wrote: "How can a superpower give the green light to an occupying state to practice assassinations, demolish houses, and kill children". In another reaction from the Middle East the Iranian Majlis speaker Mehdi Karubi argued that in order to arrest "the growing radicalization of opinion in the Middle East" and to seriously desire "to battle against terror, we must contain the Israeli government and establish a just peace in Palestine". If consistently pursued, the current American mindset would seriously affect the ability of the Americans to maintain its coalition against the global terrorism.

The tragedy of the matter is where the American Attorney General John Ashcroft supported in favour of the arrests of the Muslims after

9/11. He "justified the blanket arrests of hundreds of Muslim aliens and the practical forfeiture of their right of habeas corpus by the exigencies of national security in a moment of extraordinary danger."¹⁴ The Attorney General, in a similar argument justified the use of military tribunals a move on which there are serious reservation expressed. It is argued:

Unlike military courts martial, which preserve most constitutional protections, the tribunals would bear a closer resemblance to the closed and arbitrary security courts that United States has criticized in Egypt and Peru, among other places. Each of these measures enjoys wide public support, but that may only emphasize that the wisdom of the Constitution is to protect minority rights even in the face of majority opinion. Law enforcement's scrutiny of Muslims in America highlights the lurking danger that the war against terrorism will be viewed by Americans and Muslims as a war against Muslims.¹⁵

Nonetheless, the Americans were successful in constructing a fairly widespread coalition which ranged from NATO to the Muslim nations of all shades, around the globe. Some of the coalition partners took unprecedented steps to support the American stance against international terrorism. These sets of coalitions are described as follows:

For the first time in its 52-year history, NATO has invoked Article 5, under which an attack on one alliance member is considered an attack on all members. Also for the first time, the Australian government has invoked Article 4 of the 1951 ANZUS Treaty (a security treaty among Australia, New Zealand, and the United States) in order to meet this common danger. Great Britain, Canada, and Australia committed military forces to the coalition's operations against Osama bin Laden's terrorist network and the Taliban regime. France, Germany, and Italy have indicated that they may contribute military support personnel to a peace stabilization force in Afghanistan, as have several Muslim countries. Japan, in a major departure from its past reluctance to send military units overseas, has deployed naval warships in a support role. This coalition is remarkable not only because of the large number of countries involved from all around the world, but also the apparent recognition that the fight against terrorism will be a prolonged one one that will

involve diplomatic pressure and financial sanctions, as well as military force. Never in world history have so many countries combined together against a common threat in this manner.¹⁶

Since the Soviet invasion of 1979, a major development in the Afghan society always presents itself in a package, carrying with itself a variety of dynamics and variables, which most of the time is difficult to manage by normal means. Past experience shows that the Afghans have yet to learn to solve their conflicts and to accommodate other opinions in the governmental affairs. They have no experience in the modern concepts of legislative bodies, political parties or a structured judicial system. In sum, there does not exist a political culture on whose foundations a modern society could be constructed. More so with the brain drain since 1979 that went on unabated, the Afghan society lacks an indigenous expertise to manage their country. A sensitivity of taking advantage and monopolizing a military gain is so strong that nothing else seems to be relevant for those in power- no matter it may be on a small domain of the Afghan society. Experience has proved that divided Afghanistan, devoid of any functional institutions is incapable of reaching any political solution by themselves. They need foreign assistance i.e., even to call a Loya Jirga. Afghanistan's neighbours have lost their creditability to perform any meaningful role in this respect. Because of intense interference in the Afghan factional conflict, both Pakistan and Iran have lost most of their neutral ground and are branded as active partners in the civil war. In fact they are visualized as part of the problem. The net result, when all put together leads to chaos, misery and devastation in the Afghan social order.

As the settlement of the Afghan dispute approaches, serious deductions are to be drawn regarding the procedures through which the Afghan society would conduct its political as well as administrative responsibilities. The institutional structure in free Afghanistan must deliver in such a manner that it contributes towards the unity of the country and initiate at the same time effective nation building process. The main obstacle faced by the new regime would be to establish functional political institutions based on the socio-tribal realities of their society.

A legislative set up in Afghanistan should represent the existent stratifications in their society, horizontal as well as vertical. It is only through the legislative system that the society's nature can be reappraised. Those legislatures that do not correspond to the requirements of a society fail to perform their role and become an easy victim of malfunctions. It is evident that in the post-second World War period, out of 126 countries, which constituted its legislatures on the patterns of their colonial experience or systems, 123 had to confront extra-constitutional changes as their political set-up, in the form of legislative bodies, collapsed. The surviving systems also had to bring about drastic converts so as to establish communication with the socio-political realities of their societies. The desire to imitate the legislative organisation on the foreign patterns is likely to stumble.

Before we proceed to the matters pertaining to the Afghan society and suggest types of legislative arrangements, we would like to point out that in the Afghan context, the legislative procedures have to be considered in two phases:

- The difficult and prolonged time frame in which the legislative body would draft a constitution that would also include the shape and logistics of the future legislative bodies for the federal government as well as for the provinces.
- The second stage in which the elected legislature would start functioning as a law making body. It would also act as an institution, which would be making necessary amendments in the constitution as according to the changing circumstances, thus fulfilling the requirements of the Afghan society.

In both these conditions, the methods adopted to constitute the legislatures would demand great care and diligence. The indigenous system of Jirga can exist at the lower level of administrative arrangement, where local issues and social problems can be taken care of. But vital national as well as provincial matters must be discussed and appropriate decisions taken in the national/provincial parliament or Majlis.

The functional part of the legislative experience in its true spirit - where the society at large would be directly or indirectly participating in the law making process for the first time would require more cautious handling of the system if the base is to be fortified for the future. The Afghan society does not possess the opportunity of legislative experience as we understand in its modern concept. Good or bad, they have been free of a colonial pattern of institutional development and therefore had to rely on its traditional as well as tribal habits. There was an exception when the Soviet backed successive governments in Kabul experimented with the Soviet colonial institution building process from 1977 to date. But that experience was inept enough to provide any dividends as a large number of Afghan people remained either opposed or disassociated from the Soviet - type of institutional building especially in the field of law making.

It can be suggested that the constituent Assembly as well as the succeeding law making bodies should be distinct with numerous variations. In the first instance i.e., the constitutional making part of the legislative body must embrace as many groups as imaginable. Unless a national constitution has the backing of a large segment of its society it will not be acceptable to certain groups and would ultimately become a victim of intrigues and sabotage. It must be realised that apart from the numerous tribal chiefs there are estimated to be more than a hundred resistance groups that operated against the foreign domination and have enjoyed either complete or partial autonomy for a considerable period of time.

The Constituent Assembly should consist of members elected on the traditional patterns. But since the constitution making requires a legal expertise and knowledge, educated Afghans have to be given representation so that they can guide their fellow countrymen in the difficult process of constitution making. On the other - another vital experience which is faced by different countries is that delay in the constitution making causes problems leading to unnecessary quarrels and can thus jeopardise the whole process of building political structures for a nation. Therefore a time frame has to be fixed for the final draft of the document.

The third important aspect is that those responsible for the writing of the constitution of new Afghanistan should realise that the document or the legislative body is not fashioned on a permanent basis. Since it can be changed or amended with the passage of time, therefore an idealistic attribute should be avoided and an approach of trial and error is to be accepted.

Furthermore, since the literacy rate in Afghanistan is extremely low therefore the task of enforcing the laws can pose a challenge for the ruling elite.

The people of Afghanistan speak twenty different languages although two accepted language groups are Pushtun and Dari. The Pushtuns are also the dominant tribe. There exist Baloch and Brahuīs in the south while the Tajiks, who are the second largest nationality of Afghanistan, reside in the north/northeast along with six other nationalities - Uzbek, Turkmen, Farsiwan, Aimaq and Sialbash. In the central mountains the Hazaras inhabit the area marked by poverty. Every tribal community possesses peculiar political as well as social ambitions which in the past had become a major cause of conflict with the larger tribes of their society. There are no uniform popular attitude towards the central authority but after the Soviet colonial experience the sense of belonging and affinity with the land of Afghanistan as a single entity should pose less problems. This new infusion in the attitudes should also become a contributing factor for the establishment and then successful performance of the legislative bodies both constitutional as well as the post constitutional legislative experience.

For the success of the political system of sovereign Afghanistan, the Pushtuns have a greater responsibility as they constitute approximately half of the total population. Apart from that they took active part in the resistance movement against the Soviet invaders as well as their representatives in Kabul. The Pushtuns must give more concessions and accommodate the other minor groups in the national legislature. The majority must, especially in the early phase of constitutional building process, induct the minority tribal groups more than their percentage demands. In the absence of a tradition of political parties the dominance of a majority tribal group should not become so prominent

that it starts to exert an absolute control of the legislature. If that tendency is inducted in the polity of the Afghan society, the minor groups might lose interest in the new system and revert back to their old traditional patterns of "alienation" against the central authority in Kabul - which in turn could destroy the legislative bodies, along with the delicate political balance of the Afghan society.

A free Afghanistan can function more efficiently if it becomes a federation in a true spirit of the concept. The present arrangements of "administrative divisions" known as provinces might not serve in the future. The constitutional guarantee for greater autonomy given to provinces along with the establishment of their provincial legislatures becomes more desirable. That would accommodate the minor groups. Also the traditional pattern of Afghan decentralised spirit would be recognised.

No system would succeed in Afghanistan that departs from the Islamic attributes of the Afghan society. But the concern remains that the Islamic values should be interpreted in its real meaning, which is based on the practice of a dynamic mechanism - including the franchise for the women. And above all, Islam should not be confused with the conventional tribal rituals that exist in underdeveloped Afghan society.

The stability and prosperity of the Afghan society is essential to combat international terrorism which should discourage any potential terrorist groups and would rather provide alternatives in the form of "Afghan model" for the rest of the "trouble spots."

Conclusion

Unlike 1988, where Afghanistan was left unattended by the international community, the post 9/11 scenario presents entirely a different thinking pattern. The international community recognises that the rehabilitation of Afghanistan is a vital step towards the eradication of international terrorism. It is also believed that a strong and effective government in Kabul and the building of socio-economic infrastructure would discourage any potential terrorist groups to establish themselves in the far corners of impoverished Afghanistan. It is equally believed that

appropriate education would discourage the brand of religious bigotry as witnessed during the Taliban rule.

Keeping the above apprehensions in view and to fulfil the described objectives, in December 2001 a conference in Bonn (Germany) was convened by the United Nations Secretary General's special representative Lakhdar Brahimi. The delegates comprised of the representatives of the different factions of the Afghan society minus the Taliban. There were also representatives of the big powers and the neighbours of Afghan. The special representative recognised that "there have...been moments when we have closed our eyes to the suffering of its (Afghan) people."¹⁷ The formula for setting up a political framework for Afghanistan was agreed upon by the representatives of the Afghan factions. The modus operandi provided that there would be an interim Authority on December 22, 2001, which would be formed on the basis of an interim Administration responsible for the day to day functioning of the country for six months. After that an Emergency Loya Jirga would be convened which would appoint a Transitional Authority for two years. Thereafter a new Constitution would be framed through which free elections can take place.¹⁸ Lakhdar Brahimi made it clear that "the underlying approach to the Bonn meeting was that the solution to the problems of Afghanistan could only come from Afghans. All the elements in the agreement were proposed by Afghans either here in Bonn, or by those whom the United Nations consulted in Afghanistan, Iran, Pakistan and elsewhere prior to this meeting".¹⁹

After a year of the Bonn Conference, it can be safely said that a lot has to be desired in terms of rehabilitation of Afghanistan. It is primarily the United States and not the United Nations that has taken charge of the events in Afghanistan and that economic reconstruction has lagged behind the political infrastructure that has been set in place though the difficult job of constitution making and elections are yet to be finalised. Until the United States and its allies de link Afghanistan from their own nation security concerns and allow the domestic dynamics take its appropriate place, the stability and reconstruction in Afghanistan would be a far-fetched reality.

N O T E S

1. <http://www.whitehouse.gov/news/releases/2001/09/20010915-4.html>
2. <http://www.whitehouse.gov/infocus/defense/enduringfreedom.html> Under the "Operation Noble Eagle Sorties" the total sorties were 25, 100. The details are as follows: Fighter 17600; Tanker 6175; Airlift 300; AWACS/NATO AWACS 1025. Ibid.
3. Professor Marc W. Herold, "Afghanistan War Produces High Civilians-Killed-Per-Bomb-Dropped Ratio"; POSTED January 6, 2002; <http://www.cursor.org/stories/civpertons.htm>.
4. Common Dreams News Center, **Breaking News & Views for the Progressive Community**; December 10, 2001; <http://www.commondreams.org/news2001/1210-01.htm>
5. Matinuddin, Kamal Taliban Phenomenon: Afghanistan, 1994-1997 (Karachi: Oxford University Press, 2002) *Fourth Impression*; p. 39.
6. Rashid, Ahmed Taliban: Islam, Oil and the New Great Game in Central Asia (London: I.B. Tauris Publishers, 2000); pp. 217-219.
7. Crossette, Barbara "U.S. and Russia Ask Harsh Sanctions on Afghanistan"; New York Times; December 08, 2000
8. Rashid, Ahmed "Afghanistan: The Hard Road To Revenge; *The United States seeks an ambitious alliance against Osama bin Laden and his Taliban protectors in retaliation for the USS Cole bombing*" Far Eastern Economic Review, December 7, 2000.
9. Dawn, 08 December 1999.
10. Dawn, 08 September, 2001.
11. The News, 29 September, 2001.
12. Ali, Sardar Aseff Ahmad "A defining moment for the US"; Dawn, September 16, 2001.
13. Dawn, September 10, 2001.
14. Norton, Augustus Richard "America's Approach to the Middle East: Legacies, Questions, and Possibilities", Current History, Vol. 101, No. 651 (January, 2002); P. 3-4.
15. Ibid.

16. Dobb, Paul "The Future of International Coalitions: How Useful? How manageable?", *The Washington Quarterly*, Vol. 25, No. 2 (Spring, 2002): PP. 131-132.
17. UN Talks on Afghanistan; Bonn, November/December 2001; Closing session of the UN Talks on Afghanistan; <http://www.uno.de/frieden/afghanistan/talks/closing.htm>.
18. Ibid.
19. Ibid.

EMERGING TRENDS IN TERRORISM

Zafar Nawaz Jaspal

Abstract

This article maintains the prevalent argument that the terrorists' patterns have fundamentally changed since the last quarter of the twentieth century. According to this argument, new trends are different from old trends along at least three related dimensions- Fewer incidents, greater casualties; the growth of religious terrorism; and Nuclear, Biological, Chemical terrorism. The emerging new trends, despite the infusion of sophistication seem to portend increase in lethality and ruthlessness in death and destruction.

Introduction

Terrorism is not a recent phenomenon. It is older than the ancient civilizations of Greece and Rome. Its early roots are in acts of assassination, regicide, and tyrannicide. And early examples include the assassination of Julius Caesar in 44 B. C., The Zealots-Sicarii- a Jewish sect, during the first century A. D., the Assassins, or Ismailis-Nizari during eleventh and twelfth centuries, the Thugs in India, 19th century European Anarchists and Social revolutionaries, Ku Klux Klan in the United States, etc.¹ Despite that terrorism is an old phenomena, the term terrorism has neither a precise definition, nor one which is widely acceptable.² Terrorism's trends, however, are not static and have been changing with the passage of time. In the present age, we are experiencing alarming change in these trends. New adversaries, new motivations and new rationales, which have emerged in recent years, can couple with today's increased opportunities and capabilities to launch terrorism on a trajectory towards higher levels of lethality, mass destruction and mass killing, and to challenge the conventional knowledge about it.

The terrorist attacks of September 11, 2001 on the World Trade Center in New York and the Pentagon in Washington have not only intensified the debate about new emerging trends in the international terrorism, but also added a new dimension in the operative tactics of the terrorists. Since, more than a century, the terrorists have been using two basic weapons: the gun and bomb. On September 11, the terrorists destroyed their targets by using commercial airlines. Letters contaminated with the lethal anthrax bacteria, followed it. The threat from bioterrorism is not a curiosity but a grim reality. Hijacked aircraft and powdered anthrax caused a remarkable shift in terms of overall terrorists' assault strategy

and future threats in general. Another significant development is, that in the past terrorism was practiced by a collection of individuals belonging to an identifiable organization that had a clear command and control apparatus and well defined set of political, social, or economic objectives. They generally issued communiqués taking credit for terrorist act and explaining determinants of their actions. But no one has claimed the responsibility of September 11 terrorist attacks.

Motivations, targeting, strategy, tactics and logistics, continue to evolve, in keeping with efforts on the part of terrorists to meet the challenges and to penetrate into the foolproof security arrangements to accomplish their objectives. The September 11 terrorists act specified that they be well schooled in handling aircrafts and using them as weapons and explosives equipment. They know the value of the internet, fax machines, cellular telephones and encryption. They have already been taking advantage of legal and widely available strong encryption software that makes their communications invulnerable to surveillance. How invulnerable? John Keegan, the British analyst, quotes William Crowell, former deputy director of the largest US intelligence agency, the National Security Agency: "If all the personal computers in the world were put to work on a single (strong encrypted) message, it would still take an estimated 12 million times the age of the universe to break a single message."³

Increasingly sophisticated and willing travelers, the terrorists have access to excellent false documentation and international contacts, and can blend easily into a local émigré community, where they can plan and execute attacks without being readily identified. Aftermath, human casualties and infrastructure destruction in New York and Washington substantiate the increasing lethality, high casualty, indiscriminate targeting, of terrorist attacks.

In the current international scenario, terrorists are increasingly likely to be motivated by campaigns of ethnic nationalism or religious extremism. Often the two go hand in hand. The United States' declaration that Osama Bin Laden and Al-Qaeda organization as a prime suspect specified the growth of religious terrorism. Notably, militants of all faiths have an involvement in terrorist violence. Christian religious groups, such as the Aryan Nations, are active in North America, and are becoming more closely associated with the Militia Movement. Similarly, the Jewish Defense League maintains her presence in North America. In Israel and the Occupied Territories, the combination of nationalism and religious fervor manifests itself in acts of Jewish terrorism.⁴

One of the first uses of a Chemical nerve agent in a terrorist attack, by the Aum Shinri Kyo cult in Tokyo in 1995, has been widely viewed as the crossing of a threshold. This theory reinforced by evidence uncovered recently to the effect that non-state actors- sub national groups or terrorists' organizations are interested in Nuclear, Chemical and Biological (NBC) weaponry. Recent, anthrax, a small sample of what can be called the terrorism of substances- biological and chemical incidents strengthened the fear that in future terrorist acts NBC would be used. Hence, it is perceived that for higher casualty rate and attracting more attention the terrorists', certainly, utilize NBC weapons in their future activities.

Fewer incidents, greater casualties

Traditional terrorists organizations were contented to kill small numbers, rather than embark on grandiose operations causing large-scale human and physical destruction. The recent terrorists acts record indicates that the terrorists' attacks have been causing greater casualties and infrastructure damage. Figures collected by the US Office of Technology Assessment (OTA) show that during the 1970s there were a total of 8,114 terrorist incidents worldwide, which resulted in 4,978 deaths and 6,902 injured. During the 1980s there were 31,426 incidents, resulting in 70,859 deaths and 47,849 injured. The RAND-St Andrews, joint-university, database of international terrorist incidents, which has been in operation since 1968, records 2,536 incidents in the 1970s, resulting in 1975 deaths, and records 3,658 incidents in the 1980s, resulting in 4,077 deaths. During the 1980s the number of international terrorist incidents was about 50 per cent more than in the 1970s, and twice as many people were killed.⁵ During the 1990s, however, the number of international terrorist incidents actually began to fall. A record 484 incidents occurred in 1991, which fell to 343 in 1992, then to 360 in 1993, to 353 in 1994 and finally to 278 in 1995. Yet as these figures fell, a greater percentage of incidents were resulting in fatalities or deaths and injuries continued to increase.⁶

On August 7, 1998 a huge car bomb was detonated in the car park of the American embassy in the heart of Nairobi, Kenya. Adjacent offices and banks were full of workers and the streets were full of cars, buses and shoppers. Hundreds of office workers had been drawn to their windows by the sound of an exploding grenade, and were then injured by a second bomb. Almost simultaneously, another bomb exploded in Dar-es-Salaam, capital of neighboring Tanzania. It was reported that the bombing in Kenya killed 201 and 5,500 people were injured, whilst the bomb in Tanzania killed 11.⁷ More than the 6,347 people lost in the

collapsed twin towers of the World Trade Center, in the September 11, 2001 terrorists attacks.⁸ These figures relate only to international terrorism, but the evidence in respect of domestic terrorism is more problematic. Whilst there are some indications that domestic terrorism is also following this trend, particularly in Algeria and Sri Lanka. Thus, these facts indicate that casualty levels are increasing at a faster rate than the number of incidents, and therefore that individual incidents are becoming more lethal. The significant of these incidents lay not only in the level of casualties that it caused, but also in the willingness of the terrorists to inflict large numbers of indiscriminate casualties. For example, both Nairobi and Dar-es-Salaam explosions killed African Muslims working in the embassies and people from more than 88 nations were killed in World Trade Center.

Why terrorism's lethality has been increasing? A number of reasons account for terrorism's increased lethality. According to Bruce Hoffman reasons behind terrorism's increasing lethality are the following:

1. The terrorists desire to obtain more and serious attention. Therefore, they consider bloody action as a viable strategy to attract the media and decision makers.
2. The terrorists have profited from past experience and have become more skilled at killing. The nefarious alliance between terrorist organizations and the rogue states have increased the lethality in the terrorists' acts.⁹ The rogue states provide them the small, more sophisticated, and deadlier weapons.
3. The active role played by states in supporting and sponsoring terrorism. This support has enhanced the striking power and capabilities of ordinary terrorist organizations, transforming some groups into entities more akin to elite commando units than the stereotypical Molotov-cocktail wielding or crude pipe-bomb manufacturing anarchist or radical leftist.
4. The overall increase during the past 15 years of terrorism motivated by a religious imperative encapsulates the confluence of new adversaries, motivations, and tactics affecting terrorist patterns today.
5. The means of terrorism has become accessible to anyone who contains a grievance, an agenda, a purpose. These means and methods can be easily obtained at bookstores, from mail-order publishers, on CD-ROM, or over the Internet. Relying on

commercially obtainable bomb-making manuals and operational guidebooks, even the amateur terrorist can be just as deadly and destructive and even more difficult to track and antithan his professional counterpart.

6. While on the one hand terrorism is attracting amateurs, on the other hand the sophistication and operational competence of the professional terrorists are increasing. These professionals are becoming demonstrably more adept in their tradecraft of death and destruction; more formidable in their capacity for tactical modification and innovation in their methods of attack; and more able to operate for sustained periods while avoiding detection, interception, or capture.
7. The terrorists today tend to claim credit for their attacks less frequently.¹⁰

The growth of religious terrorism

The religion is fast becoming the prime motivation for terrorist acts.¹¹ The late twentieth century saw a resurgence of holy terror- the kind practiced by the Zealots-Sicarii, the Assassins, and the Thugs. This involves all of the world's major religions, from Christian right-wing white supremacists, radical Jews, militant Sikhs, and Islamic fundamentalists, and has been manifested all around the world: from Europe, North America, the South Asian subcontinent, Northeast Asia, to the Middle East. Of these groups, those that have been most responsible for this trend are Islamic fundamentalists; Jewish extremists; millenarian religious cults and Christian orientated right-wing groups, notably in the USA.¹² While analyzing religious terrorism Bruce Hoffman argued, "religious terrorists have engaged in moral lethal attacks primarily because they perceive violence to be a sacramental act, or divine duty, executed in direct response to some theological demand or imperative."¹³ Some of the most significant terrorists acts of recent years have had some religious element present. These include

* The 1993 bombing of New York City's World Trade Center by Islamic radicals who deliberately attempted to topple one of the twin towers onto the other;

* The series of 13 near-simultaneous car and truck bombings that shook Bombay, India, in February 1993, killing 400 persons and injuring more than 1000 others, in reprisal for the destruction of an Islamic shrine in that country;

- * The December 1994 hijacking of an Air France passenger jet by Islamic terrorists belonging to the Algerian Armed Islamic Group (GIA) and the attendant foiled plot to blow up themselves, the aircraft, and the 283 passengers on board precisely when the plane was over Paris, thus causing the flaming wreckage to plunge into the crowded city below;
- * The March 1995 sarin nerve-gas attack on the Tokyo subway system, perpetrated by an apocalyptic Japanese religious cult (Aum Shinrikyo) that killed a dozen persons and wounded 3796 others; reportedly the group also planned to carry out identical attacks in the United States;
- * The bombing of an Oklahoma City federal office building in April 1995, where 168 persons perished, by two Christian Patriots seeking to foment a nationwide race revolution;
- * The wave of bombings unleashed in France by the Algerian GIA between July and October 1995, of metro trains, outdoor markets cafes, schools, and popular tourist spots, that killed eight persons and wounded more than 180 others;
- * The assassination in November 1995 of Israeli Prime Minister Itzhak Rabin by a religious Jewish extremist and its attendant significance as the purported first step in a campaign of mass murder designed to disrupt the peace process;
- * The Hamas suicide bombers who turned the tide of Israel's national elections with a string of bloody attacks that killed 60 persons between February and March 1996;
- * The Egyptian Islamic militants who carried out a brutal machinegun and hand-grenade attack on a group of Western tourists outside their Cairo hotel in April 1996 that killed 18;
- * The June 1996 truck bombing of a U.S. Air Force barracks in Dhahran, Saudi Arabia, where 19 persons perished, by religious militants opposed to the reigning al-Saud regime;
- * The unrelenting bloodletting by Islamic extremists in Algeria itself that has claimed the lives of more than an estimated 75,000 persons there since 1992;
- * The massacre in November 1997 of 58 foreign tourists and four Egyptians by terrorists belonging to the Gamat al-Islamiya (Islamic

Group) at the Temple of Queen Hatshe put in Luxor, Egypt; and

- * The bombings of the U.S. embassies in Kenya and Tanzania in August 1998 that killed 212-257 and injured some 5000-5500 others;¹⁴
- * On March 20, 2000 thirty-five Sikhs were killed by Indian Army in Chatti pura, and in Indian Held Kashmir;
- * On September 11, 2001 the terrorist attack on the World Trade Center in New York and the Pentagon in Washington by hijacked commercial aircrafts; and
- * Recently (last week of October 2001), more than 25 Muslims murdered by the Hindu extremists in Mali Gahun, Maharashtra (India).

Nuclear, Biological, Chemical (NBC) terrorism

Nuclear, Biological and Chemical weapons are inherently terrifying. They evoke moral dread and visceral revulsion out of proportion to their lethality. In recent years terrorists have been acquiring crude chemical and biological agents, and some have plotted or threatened to use them. In January 1999, the then US President Bill Clinton, stated that the US would be subject to a terrorist attack involving Chemical or Biological weapons within the next few years.¹⁵ However, the recent years terrorists record indicates that the possibility of using Biological and Chemical weapons is more than the Nuclear weapons. The reason being the technological problems associated with the nuclear weapons manufacturing. Consequently, the United States Department of Defense is leading a federal effort to train the first responders in 120 American cities to be prepared to act in case of a domestic terrorist incident involving NBC agents.¹⁶

At the same time, one cannot rule out the possibility of the use of nuclear weapons in totality, in future terrorists' acts, because of the established fact, i.e. state sponsored terrorism. Paul Wilkinson argued that, "many terrorists movements are directly encouraged, sponsored and aided by regimes in order to weaken or subvert rival states."¹⁷ It follows from this intimacy of these connections that the pro-terrorists states assist the terrorists' organizations by providing nuclear radioactive material. Moreover, the emergence of a black market in nuclear materials makes clear that the risk of nuclear terrorism is growing. For example, three seizures of plutonium and one of highly enriched uranium (HEU) in Germany took place during the summer of 1993, showing the emergence of a black market in nuclear materials

being smuggled out of the former Soviet Union.¹⁸ How much HEU is needed to make a nuclear bomb? A research team at the University of California found that three kilograms would be sufficient. By means of computer modeling of a simple fission weapon design, they found a nuclear yield equivalent to more than 100 tons of high explosives could be achieved with only one kilogram of HEU and a yield of half that of the Hiroshima bomb with five kilograms.¹⁹

Why could terrorists decide to use the NBC? As discussed earlier that terrorists motivations are changing. A new breed of terrorists including ad hoc groups motivated by religious conviction or revenge, violent right-wing extremists, and apocalyptic and millenarian cults, appears more likely than the terrorists of the past to commit acts of extreme violence. The overriding religious belief in Armageddon establishes a strong motive for some cults to use the NBC weapons. Jessica Stern argued:

Religiously motivated terrorists might decide to use weapons of mass destruction, particularly biological agents, in the belief that they were emulating God. The fifth plague with which God punishes the Pharaoh in the story of the Israelites' Exodus from Egypt is murrain, a group of cattle diseases that includes anthrax. In I Samuel 5: 9, God turns against the Philistines with a very great destruction, killing them with a pestilence that produces Emerods in secret parts...Some terrorists might feel they were following God's example by employing these agents.²⁰

The NBC weapons are intrinsically indiscriminate, and suit to terrorists' strategy to inflict large numbers of indiscriminate casualties. The usages of these weapons not only multitudinously increase the lethality of the terrorists' acts, but the government of a country attacked with such weapons would have difficulty in controlling panic. Because chemical and biological weapons are silent killers, an attack could occur at any time without warning.

The NBC weapons' components and know-how are available in the black market. Importantly, unlike nuclear weapons, the materials and tools required to create biological warfare agents are easily accessible and cheap, which is why this kind of weapon is often referred to as the poor man's nuclear bomb. A state of the art biological laboratory could be built and made operational with as little as \$10,000 worth off-the-shelf equipment and could be housed in a small room.²¹ In addition, hundreds of tons of nuclear material, the essential ingredients of nuclear weapons, are stored at vulnerable sites throughout the former Soviet

Union, guarded only by underpaid, hungry, and disheartened people. At least eight thefts of materials (weapons-usable) that could be used to make nuclear weapons have been confirmed.²² Significantly, there are many cases of theft of medical isotopes and other sources of radiation. These incidents are often overlooked because radioisotopes cannot be used to make detonable nuclear bombs. But terrorists could use them to draw attention to their cause, to wreak havoc, and to terrorize civilians. Notably, many religious cults are capable of purchasing or funding the research and development of NBC weapons, because of great wealth that they acquire from their membership. The rogue states also possess these weapons. The terrorists might be able to acquire chemical and biological agents from rogue states favorable to their cause.²³

It is undeniable that the theoretical knowledge required to develop NBC weapons is readily available, and that given time, skilled individuals can engineer that knowledge into a weapon. Hence, the terrorists' organizations are capable to acquire the different types of NBC weapons from different sources. The fundamental issue in assessing this trend is whether these groups are capable in using these weapons, accurately. Analysts have consensus that it's easy to use chemicals and biological agents to poison agricultural commodities, infect livestock, or gas passengers on trains or planes. Some of them consider that nuclear weapons are extremely difficult to manufacture. However, distinction must be drawn between the kind of military weapons, which states strive to develop and the rougher types of devices which terrorists would be satisfied with. A Physics PhD student could design a crude nuclear device, and the terrorists' requirement is the radiological bombs, in which radioactive materials are packed around a conventional bomb and an incendiary material. With this type of weapon the explosion leads to a fireball, shooting the radioactive material up into the air, which then falls back to earth, scattering over a wide area. The primary purpose of such weapons is to spread radioactive contamination rather than cause casualties through blast effects.²⁴

There are number of organizations, which had revealed interests in these deadly agents. For example, Christian Patriots had shown interests in biological weapons. Biological weapons have the potential to be as deadly as nuclear bombs. For instance, 100 kilograms of anthrax could kill up to 3 million people if dispersed under optimal conditions.²⁵ Survivalists and white Supremacists were implicated in three separate cases involving biological agents in 1995. In March two members of the Minnesota Patriots Council were arrested for producing ricin with which to assassinate a deputy US marshal who had served

papers on one of them for tax violations. In May, just six weeks after the Aum Shinrikiyo incident, Larry Wayne Harris, former member of neo-Nazi organizations, bought three vials of *Yersinia pestis*, the bacterium that causes bubonic plague, which killed nearly a quarter of Europe's population in the mid-fourteenth century. In December a Survivalist was arrested for trying to carry 130 grams of ricin across the border into Canada.²⁶ However, from known conspiracies it appears that no terrorist group has even attempted to develop a nuclear explosive device, and there have been only a few cases of groups attempting to purchase a nuclear device. Instead, the use of radioactive materials of contamination, either through a contamination bomb or otherwise, has been the preferred option for nuclear terrorism. But what few incidents have occurred, have mainly been in the 1990s. Therefore, it is too early to conclude the role of nuclear weapons in the NBC terrorism.

Conclusion

Throughout the history, Terrorism flourishes on a fear psychosis. By manipulating fear in a special way, terrorists have always been able to effect human behavior in a fashion disproportionate in their effort. The September 2001, terrorists' attacks were a powerful indicator that at least some groups are willing to perpetrate acts of unconstrained violence and indiscriminate mass killing. In 1990s, a growing number of incidents broaden the perceptions of the potential threat that radical religious cults can pose to society as a whole. In addition, a major trend has been the terrorists' acquisition of increasingly sophisticated and lethal weapons, like the NBC weapons. The emerging trends are mainly the products of the technological advancements and spread. Hence, these trends are leading to a new era of indiscriminate violence, more dangerous and deadly than in the past.

N O T E S

1. Stern, Jessica *The Ultimate Terrorists* (London: Harvard University Press, 2000) pp. 15-17. See also Louis Rene Beres, *Terrorism and Global Security: The Nuclear Threat* (Colorado: Westview Press, 1979) p. 8.
2. The term terrorism first came into use at the time of the "Reign of Terror" in France during the Revolution; it was employed in connection with the intimidating practice of the government in power from 1789 to 1794. As pointed out in the Study prepared by the UN Secretariat for the Sixth Committee, this meaning of terrorism has undergone major evolution so that it "now seems to be mainly applied to actions by individual or group of

individuals." Roda Mushkat, "Technical Impediments on the way to a Universal Definition of International Terrorism", in Verinder Grover, ed. *Encyclopedia of International Terrorism*, Vol. 1 (New Delhi: Deep & Deep Publications PVT. LTD, 2002) pp. 14, 15.

3. Will, George F. "The Next Threat: Weapons of Mass Disruption", *Newsweek* (October 29, 2001) p. 17.
4. 'Trends in terrorism', Report 2000/2001, http://www.csis-scrs.gc.ca/eng/miscdocs/200001_e.html
5. Gurr, Nadine and Benjamin Cole, *The New Face Of Terrorism Threats from Weapons of Mass Destruction* (London: I. B. Tauris Publishers, 2000) pp. 22, 23.
6. Ibid.
7. Ibid. pp. 27,28.
8. Jenkins, Sally "The Quest for 6,347 Identities", *Washington Post* (September 27, 2001) <http://www.washingtonpost.com/ac2/wp-dyn/A32203-2001Sep26?language=printer>.
9. In its 1997 review of global terrorism patterns, the U.S. State Department designated seven countries as terrorism sponsors: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. With the exception of the Sudan, which was added in 1993, each of these countries has remained on the list of terrorism patron-states for more than a decade.
10. Hoffman, Bruce "Terrorism Trends and Prospects", in Ian O. Lesser, Bruce Hoffman, John Arquilla, David F. Ronfeldt, Michele Zanini, Brian Michael Jenkins, *Countering the New Terrorism*. <<http://www.rand.org/publications/MR/MR989/>>
11. In 1968 none of the 11 identifiable international terrorist groups could be classified as 'religious.' In 1980 the first modern religious terrorist groups emerged following the Iranian revolution, but comprised only two of the 64 active terrorist groups. By 1992 that number had risen to 11, comprising a quarter of all the terrorist groups that carried out attacks in those years. By 1994, the trend had accelerated, and 16 (or one-third) of the 49 identifiable groups could be classified as religious in character or motivation. In 1995 that number had risen again to 25 out of 58 known active terrorist groups, or 42 per cent. The linkage between this trend and the trend towards increasing lethality in terrorist attacks is evident from the fact that although religious terrorists committed only 25 per cent of the recorded international terrorist incidents in 1995, they were responsible for 58 per cent of the fatalities and carried out all of the attacks in 1995 where there were more than eighty fatalities.

12. Gurr, Nadine and Benjamin Cole, Op. cit, pp.28, 29.
13. Ibid. p. 30.
14. Hoffman, Bruce "Terrorism Trends and Prospects", op. cit.
15. Gurr, Nadine and Benjamin Cole, op. cit. p. 2.
16. Reddy, L. R. *BIO-Terrorism* (New Delhi: Efficient Offset Printers, 2002) p. 6.
17. Wilkinson, Paul "Terrorism: International Dimensions" in William Gutteridge, *The New Terrorism* (London: Mansell Publishing Limited, 1986) p.29.
18. These seizures were relatively small compared to the seizures of HEU that were also reported to have taken place: one involving six pounds in St. Petersburg in March 1994; 4.5 pounds in Lithuania in 1992, three kilograms in Czech Republic in 1994 etc. K. Bhushan and G. Katyal, *Nuclear Biological and Chemical Warfare* (New Delhi: A.P.H. Publishing Corporation, 2002) p 137.
19. Ibid.
20. Stern, Jessica op. cit. pp. 70,71.
21. Chitkara, M. G. and Girdhari Sharma, *International Terrorism* (New Delhi: A.P.H. Publishing Corporation, 2002) p. 89.
22. The Russian officials have repeatedly denied that any smuggling case involved weapon-grade nuclear material, which, according to the strict definition, is uranium enriched to more than 90 percent U-235 or plutonium with less than 7 percent Pu-240. Ibid. p. 97.
23. The United States department lists Iran, Iraq, Libya, North Korea, and Syria as the states possessing chemical and biological weapons and supporters of terrorism.
24. Gurr, Nadine and Benjamin Cole, op. cit. pp 44, 45.
25. Ibid. pp. 3-4.
26. Ibid. pp 7-8.

FIRST THREE YEARS OF PRESIDENT MUSHARRAF

Ahmad Faruqui

It has been a little more than three years since General Pervez Musharraf deposed the elected but widely disliked government of Prime Minister Nawaz Sharif. The general took over the reins of power ostensibly as a "care taker." In a departure from past practice, he did not declare martial law in Pakistan. To suit this role, he adopted a new title, Chief Executive, shunning the customary title of Chief Martial Law Administrator that had been used by prior military rulers. He projected the image of a thoroughly professional soldier, committed to bringing "true democracy" to Pakistan.

While this may have appealed to some in Pakistan, it did not do much to improve his global image. The world still saw him as the irresponsible soldier who had launched an attack on Indian positions in Kargil in the spring of 1999, and derailed the peace process that had begun to take shape with the signing of the Lahore Declaration. In the 21st century, the world was not inclined to easily forgive a general who would carry out a coup d'etat against a democratically elected government, regardless of the circumstances of the coup. Former US president Bill Clinton gave him the cold shoulder during a five-hour visit to Pakistan, which had come on the heels of a five-day visit to India. In a fairly blunt reference to the Kargil incursion, Clinton openly chided Musharraf for wishing to redraw borders with blood.

Nevertheless, under US pressure, Prime Minister Vajpayee invited Musharraf to the Agra Summit in July 2001. The summit, which was marked by much nostalgia and excitement as the general visited his childhood home in Delhi and toured the Taj Mahal in Agra, collapsed as hardliners on both sides failed to find common ground. It did not issue a communiqué. Within days, public recriminations began to occur between New Delhi and Islamabad. Once again the world began to doubt the intentions and abilities of the general to bring peace to South Asia.

The tragic events of September 11 gave Musharraf an opportunity to reframe himself as a bulwark of the civilized world against terrorism, much like General Zia had framed himself as a bulwark of the West against a godless Soviet Union. From being an outcast and pariah in the international community, Musharraf became an indispensable partner of the United States in its global war against terrorism. The

general talked of himself as a risk taker and gave interviews to all major world media outlets. Presidents, prime ministers, foreign ministers, defense ministers and other senior officials from the world's major powers came to Islamabad to visit with the general. He addressed the United Nations, and gave a joint press conference with President George W. Bush. On a subsequent visit to the US, he was invited to the White House, and given a substantial financial package by the Bush administration.

This article reviews three aspects of Musharraf's policies during his first three years, beginning with a review of his domestic policy, turning then to his Kashmir policy and finally addressing his China policy.

Domestic Policy

When General Musharraf laid out a comprehensive seven-point reform agenda, many doubted that such a comprehensive package could be accomplished within the three-year span that the Supreme Court had granted him. In due course of time, the general unveiled a political strategy that would allow him to stay beyond the three-year term, while still complying with the court directive to hold elections. To implement this strategy would require amending the constitution unilaterally, an act that most observers felt would exceed the mandate of the un-elected general.

Like many a military rule before him, Musharraf choose to follow the example of Alexander the great, and decided to cut the otherwise tangled Gordian knot. He announced that he would hold a referendum on his rule. Were he to win a majority of the votes cast in the referendum, he would be entitled to stay on as Pakistan's president for another five years. The referendum was held on April 30, 2002. According to the military's information minister, more Pakistanis turned out to vote on the "Day of Decision" than in any prior general election. The voters also gave him a bigger mandate than they had ever handed to any prior military or civilian ruler. He was "elected" by 97.7% of the voters.

As expected, the proponents of democracy cried foul both within and outside Pakistan. Some argued that the turnout was no higher than five or ten percent, completely vitiating its credibility. Reports suggested that government workers were coerced into voting yes, and that several people voted multiple times. The opposition was not allowed to campaign against it, a point that was repeatedly brought out in the international media.

The referendum backfired, as it even turned those against him who had initially supported him. Soon after deposing Prime Minister Nawaz Sharif in October 1999, Musharraf had protested that "someone" had pushed him into the ring, creating an impression that he had no interest in governing Pakistan. His sole objective was to stabilize the country, hold elections, and then fade away. When reporters would draw parallels between his coup and General Zia ul Haq's coup, the general would often respond with indignation.

Zia, who had seized power in 1977 under OPERATION FAIRPLAY, had promised to stay in power for a mere ninety days, long enough to hold fair elections and hand over the reins of power to the victor. The days turned into months into years, as he increasingly found himself unable to hold a fair election. To those who would ask, he would respond with all the innocence at his command: I do not plan to stay in power for a single day more than is absolutely necessary. Eleven years later, a plane crash ended the state of necessity.

In light of Zia's self-defined ninety-day window, some had argued that Musharraf needed to have a reasonably long window of time in order to put the country on a sound footing. Citing conditions of necessity, the Supreme Court of Pakistan concurred with such sentiments, and gave him a fairly generous three-year window for holding parliamentary elections. Consistent with that decision, the general has repeatedly stated that he is committed to holding elections in October. That is apparently still the plan, but one can never underestimate the power of unforeseen events to create "necessary" circumstances requirement their postponement.

Musharraf's referendum, while it failed to achieve legitimacy in the eyes of the world, nevertheless gave him the pretext domestically to continue as the president regardless of the outcome of the parliamentary election. The referendum guarantees that no one not even the Prime Minister who will be elected in October can tamper with his seven-point reform agenda. Recognizing that in the parliamentary set up that is spelled out in Pakistan's constitution, the Prime Minister is the Chief Executive, Musharraf said that he as the President would retain the power to ensure that the Prime Minister "dares not undo what I have said...he dare not reverse the reforms agenda...I cannot allow him to manipulate institutions." In other words, Musharraf would reign as a post-modern sovereign, one who has the support of the electorate through a referendum. Musharraf is now Pakistan's lawgiver, just as was Ayub in the early 1960s. To those who might question his legitimacy, he gives the Zia-like response: "God has placed me in this position."

Not convinced of his divine connections, the Jamat-e-Islami challenged the referendum before the Supreme Court on the grounds that it violated the Constitution. Some people had hoped that the Court would strike down the referendum, and Musharraf had promised to comply with the Court's judgment. That was not to be. Soon after his coup, Musharraf required that all justices take an oath under the Provisional Constitutional Order (PCO). Several justices, including the Chief Justice of Pakistan, tendered their resignations rather than be a party to military rule. To no one's surprise, an 11-member bench of the court rejected the Jamat's appeal a few days prior to the referendum. The justices noted that the general was authorized to hold a referendum under the PCO. Speaking in a single voice, the justices chided the Jamat and said that this was not the time to raise constitutional issues. They did leave open the possibility that they would return to the matter at a later time, perhaps after the completion of Musharraf's term.

The lack of an exit strategy has bedeviled all of Pakistan's military rulers. Field Marshal Ayub was practically run out of office in 1969 by a national revolt, after having held on to power for eleven years. General Yahya was deposed from office in 1971, less than three years after taking over, because of the military debacle in East Pakistan. General Zia died in a plane crash that remains unexplained to this day in 1988. An astute student of history, General Musharraf has decided to preempt criticism by saying that he has a very clear exit strategy: "The moment I see that the people don't want me, I will quit."

He managed to surprise a reporter who asked him, one assumes in jest, whether he would hold another referendum in 2007 to extend his rule to 2012. Much to everyone's surprise, the former caretaker president who is ruling through a no-longer provisional unconstitutional order, replied that he is keeping all his options open. One cannot accuse the general of being ambiguous in his ambitions. To assure the people that when he talks of checks and balances on the politicians he is not excluding anyone, least of all himself, he noted: "I will ensure checks and balances on myself." Apparently, his political lexicon does not include an entry for *conflict of interest*.

The whole process has begun to even wear down Musharraf's "paymasters" in Washington. In the run-up to the referendum, Washington choose to stay silent, except for a single statement by a low-ranking functionary who noted that only the courts in Pakistan were entitled to rule on the legality of the referendum. Reeling from the scale of Musharraf's landslide victory on April 30, the US National Security Advisor, Dr. Condoleezza Rice, was compelled to note that the US fully

expected that Pakistan's parliamentary elections would satisfy generally accepted democratic norms and principles.

The people in Pakistan are not so sanguine, and one cannot blame them for having fairly low expectations about a military-sponsored election. It is likely that Musharraf will impose significant restrictions and exclusions on the candidates that can be fielded by the political parties, in addition to not allowing former Prime Ministers Bhutto and Sharif to contest office. He has already made deprecatory remarks about the age of the head of the Alliance to Restore Democracy (ARD). It is clear that the generals are seeking to marginalize the major political parties. It is likely they will seek to install a Prime Minister such as the former cricket captain, Imran Khan. His political party has been unable to get even a single candidate elected in prior elections, and Imran who would be forever beholden to the army for his political debut. Another candidate is Ejaz ul Haq, the son of General Zia, who has served as a cabinet minister under Nawaz Sharif, and has long been hankering for the Prime Minister's position.

The ARD has asked Musharraf to step down as president, and this grouping of parties is likely to start a national movement for ending military rule. If their campaign begins to gather momentum, the general may prohibit them from holding public rallies. He may even invoke the dreaded Section 144 and prohibit public gatherings of four or more people, regardless of reason. Their leaders may be rounded up under the infamous Defence of Pakistan rules, and held without trial. It would not be out of the question that the military would accuse them of fomenting a national rebellion.

Other more pessimistic outcomes were speculated, including the holding of elections on a non-party basis (General Zia's formula), disqualifying elected representatives (General Yahya's formula), or simply banning all political activity (Field Marshal Ayub's formula). None of them happened. Instead, a split mandate at the National Assembly has become too "unruly" for the establishment.

Musharraf is planning to permanently eliminate all political opposition by taking military rule to its most imperial level by creating a non-elected National Security Council (NSC) that would preside over the elected parliament and presumably the Supreme Court. By so doing, he would be transgressing beyond the normal passion of dictators, which is to develop a personality cult. His eyes are now set on the institution of a *militarism* in Pakistan. To confound matters, he claims that he is bringing to fruition the vision of Pakistan's founder,

option of reacting in Pavlovian fashion to Indian moves. Under pressure from the US and India, Pakistan has tempered its Kashmir policy by saying that no one will be allowed to launch terrorist attacks against another country from Pakistani soil. Pakistan has thus backed off from the decades-long policy of sending mujahideen across the Line of Control. That is both good and bad.

It is good because it rectifies a strategic weakness in Pakistan's foreign policy. Fomenting militancy in Kashmir under the guise of carrying out a religiously ordained jihad was misguided, cost prohibitive and ultimately boomeranged on Pakistan.

It is bad because it suffers from confusion of purpose. Even a valid policy change can lose its credibility if it is seen as being imposed by foreign powers that have not always been consistent in their dealings with Pakistan. That is why the U-Turn toward the Taliban was received poorly at home, since many people saw it as a betrayal of friends of long standing at the behest of a foreign power. Pakistan waited too long to make the policy change, and only made it when someone else put a gun to the head.

To this day, that policy change continues to be mired in controversy. Domestically, Musharraf's critics fault him for betraying the national interest. Externally, his critics fault him for lacking in sincerity. Such a risk should not be taken as Pakistan seeks to develop a new Kashmir strategy. The best way to avoid it is to hold an open public debate on the new policy, and not develop it behind closed doors in meetings of the National Security Council or the Formation Commanders Conference. "Taking the nation into confidence" after the fact is a recipe for failure.

General Musharraf should initiate an open process for developing a new strategy through a series of "town hall" meetings with common Pakistanis, as well as workshops and seminars with experts, centered around four fundamental questions. Firstly, do the Kashmiris want to join Pakistan? Surveys indicate that the vast majority wants an independent state. Are they valid? There appears to be no overwhelming desire within Kashmir to join Pakistan. What Ayub Khan discovered in September 1965 is even truer now. Thus, is there any point in continuing to press for implementing an UN-sponsored plebiscite when even Kofi Annan has declared that the half-century old Security Council resolutions are not binding?

Second, are the Kashmiris unhappy with Indian rule? Most reports indicate that they are fed up with Indian oppression, and attach no

credibility to the elections that Delhi holds there from time to time. Indian security forces continue to violate their human rights on a daily basis, through large-scale arrests, torture of detainees, and extra judicial executions. Jammu and Kashmir resembles a garrison state in the Roman style, with security checkpoints dotting every major highway. India's counter-insurgency operations have resulted in 25,000 to 70,000 deaths since the largely homegrown insurgency began in 1989. But, through clever public relations and diplomacy, India has managed to pin the blame for these tragic deaths on "cross-border terrorism." What is the best way for Pakistan to counter balance Indian propaganda and stop this human tragedy?

Third, is any country interested in resolving the Kashmir dispute? Indonesia, the world's largest Muslim nation, is silent as is Malaysia. Pakistan's traditional allies in Saudi Arabia and the UAE are not saying much either. China is being scrupulously unbiased. None of the European countries, Japan or the US have come out in support of the Pakistani position. What does that tell us? Is our diplomacy at fault? Or is the underlying policy unsaleable?

Fourth, what price has Pakistan paid for supporting the struggle in Kashmir? Pakistan's economic development has been arrested because of the need to support a military of 600,000 troops. About 38% of the population lives below the poverty line of \$1 a day, and about half the population has no access to electricity. With a per capita income of \$500, Pakistan continues to be a low-income country, while many other countries that had a lower per capita income in 1960 have advanced to the ranks of middle-income countries. The public debt stands at 100% of GDP, and servicing this debt takes up the largest share of the national budget, following by defense spending. Not much is left for supporting economic development, let alone human and social development. What would be the Pakistani per capita income today if defense expenditures had not consumed upwards of 6% of GDP for decades in a row?

General Musharraf has a unique opportunity to seize the high moral ground, by pursuing a softer policy that uses diplomacy to point out the wide spread abuses of the human rights of Kashmiris, and brings international pressure to bear on India. The best way to accomplish this policy shift is to have an open and candid discussion of these questions domestically.

spectrum the Family Laws failed to bring change in the lives of millions of lower class women yet it remains a symbol of achievement for women in Pakistan. The main reason attributed to the lack of effectiveness of these otherwise well meaning set of laws was very low literacy rate amongst the women of Pakistan.

Prime Minister Z.A. Bhutto (1972-77) had a set of promises for the down trodden and weaker sections of the Pakistani society, which he was able to well advertise during his election campaign. Thereby, the newly elected Prime minister had little difficulty to present his programme attempting to cut across the boundaries of class and region. He was also able to mobilize men and women from lower classes but was restricted by a strong religious opposition and thereby ended up presenting a mixture of religious emotions and a deep sense of economic deprivation.⁸ During Bhutto's time the women factory workers with a desire to have more rights remained active. In reality when the leftist struggle proceeds the women issues become secondary.¹⁰ President Zia's military regime (1977-1988) and his "designed" Islamisation of laws went against the rights of the women in Pakistan. As a reaction a strong Women's rights movement emerged in the 1980s challenging the policies of Zia's regime.

Women's location in Human rights discourse

A number of human rights activists in Pakistan from time to time have been raising the issues regarding the legal status of women. Aasma Jehangir, Hina Jilani, Rashida Pateel and Shahla Zia have done considerable valuable work within the spectrum of the women's placement in the society.¹¹ The primary focus of their investigation is on various discriminatory laws passed during Zia-ul-Haq's military regime. They also considered the validity of these laws with special reference to its impact on the weaker sections of the society. Women involved in legal spheres have not only successfully raised these issues in national and international forums but have produced huge amount of field data on women suffering injustices under these laws. They are also involved in providing legal aid through their law firms to those women who are unaware of their rights or cannot afford or depend on a legal practitioner for their protection in a male dominated society. There are examples when these human rights activists had to face life-threatening situations particularly from the Conservative Islamists - yet these women have demonstrated that they are determined to continue their efforts for the establishment of a just society. Despite these endless efforts, all the discriminatory laws are still in place along with rigidity towards the role and status of women. The violence against women is on rise both in

public and private arenas, which perhaps is an indication for the need in change of tactics and strategies for these activists. Centrist Islamists blame these human rights activists stating that because of the overemphasis on the women's rights from the activists there has been a backlash from the male dominated family system and this can be accounted for the continued ill treatment towards the under privileged working class women. They view the activists efforts destabilising the social order of the society and are of the view that unless there is a change in the general social attitude of men, such efforts can not contribute towards the betterment of the oppressed women.¹²

One of the major problems which these human rights activists confront while debating the issue of the discriminatory laws is bringing their discourse within the parameters of the religion of Islam. When they demand legal equality or changes in these laws they had to confront not only the state and patriarchal structures, but also religious authority and institutions.¹³ This has resulted in the questioning of the relevant previous laws and a demand by the religious right to bring in conformity all laws with *Shariah*. The rightists advocate a change in the existing social patterns of female behaviour adopted by middle and upper class urban women, including dress, education, choice of marriage and divorce. They also expressively demand assertive actions as reflected in the policies of the establishment, resulting in a more blatantly visible conservative social climate.¹⁴

Feminists in Pakistan have long indulged in a debate exploring the complex issue of the interplay of religion and women rights. Some of them argue that avoiding the issue of Islam may result in narrowing their appeal to lower middle and lower class working women.¹⁵ While others like Shahnaz Rouse, intend to explore a resolution of this problem, remaining within the realm of Islamic principles.¹⁶ Yet another voice, which perhaps reflect upper and upper middle class "...to clearly state that the issue of women's right is a secular issue of human rights", although they do not give the impression that they reject Islam as a way of life.¹⁷

Islamic Feminism (traditionalists and modernists)

The marked contrast between Islamic modernism and Islamic fundamentalism may be attributed to the effects of the ideology of modernisation. That is because pro-feminist ideas in Islam emerged in nineteenth-century India and Egypt, where women were extensively involved in modern social institutions. On the other hand, post-50s

Sino-Pakistani Ties

It is well known that when Musharraf made his U-Turn in Pakistan's Taliban policy in the aftermath of the tragic events of September 11, he brought Pakistan closer to the US. What is less well known is that he also restored harmony to Sino-Pakistani ties, which had been stressed by Pakistan's five-year dalliance with the Taliban. China suspected that the *mujahideen* had begun to expand their operations into Xinjiang, with the ISI's tacit collusion.

To quell any lingering doubts, Musharraf visited the historic city of Xian in December 2001. Within Xian is one of China's grandest mosques, featuring four courtyards of Chinese gardens, nested within each other. The mosque draws a Sufi congregation that is at the other end of the ideological spectrum from the Taliban. During a high profile meeting with the Imam, Musharraf called upon Chinese Muslims to be good citizens. Islam is a religion of peace, he hectored, and has no room for violence. He asked his audience to be to work for the good of China. Earlier, in a meeting with leading parliamentarian Li Peng in Beijing, Musharraf had committed Pakistan to supporting China in its fight against the separatists of Xinjiang province. Adopting Beijing's parlance, the general referred to the separatists, who are working for an independent republic of East Turkestan, as terrorists.

From their perch adjacent to the Forbidden City, Li and his octogenarian colleagues rule an increasingly restive Chinese population. Membership in the ruling Communist Party is increasingly confined to the bureaucracy. The party's ideological appeal is at an all time low, especially among the minorities such as the Muslims. By asking the Muslims to obey Beijing's diktat, Musharraf performed a service for the People's Republic that its non-Muslim rulers could not have performed by themselves.

His remarks earned the ire of human rights groups in the Chinese Diaspora, and reminded them that China, like Russia and the Central Asian Republics, would do everything possible to use the tragic events of 9-11 to repress human rights. All members of the Shanghai Cooperative Organization, formed as the Shanghai Five in 1996, are united on this issue.

Amnesty International also accused China of stepping up executions of its Uyghur Muslim minorities in the name of fighting terrorism. Mary Robinson, UN Human Rights Commissioner, warned that there has been a significant increase in complaints of extra judicial

killings, torture and ill treatment of Uyghurs since 9-11.

In a letter to Pakistan's US ambassador, the president of the Uyghur American Association challenged Musharraf's moral authority. In sharp contrast to the images of riots, public disorders and ethnic violence coming out of Muslim Pakistan, he said such events were a rarity among Uyghurs, despite daily provocations from an atheistic regime. Pakistan was fighting with India over land that was not even part of Pakistan, while the Uyghurs were fighting against oppression in their own land. He assailed Musharraf for using a double standard, since the Uyghurs' struggle for freedom from tyrannical rule was at least as legitimate as Pakistan's struggle for Kashmir.

During the December 13th crisis, China rushed 20 F-7PG fighters to Pakistan, with an expectation that another 40 would follow. A derivative of the Soviet MiG-21 fighter, this aircraft cannot be considered even a close match to the SU-30, MiG-29, Mirage 2000H and Jaguar aircraft in the Indian inventory. Vladimir Lenin had averred that "quantity has a quality all its own," but in this instance the small size of the shipment failed to even provide a quantitative boost, making the gesture entirely symbolic. General Mohammad Aziz Khan, Chairman of the Joint Chiefs of Staff Committee, visited Beijing in January at the invitation of his Chinese counterpart. He was rewarded with a joint communiqué, expressing the determination of both countries to not let any country use the war against terrorism to further its national interests. Presumably, the rebuke was directed toward India and not the US.

China is helping build a seaport at Gwadar, and has reportedly pledged a billion dollars in aid to that effect. Besides providing an outlet to exports coming by road from the Central Asian Republics and China, Gwadar can serve as a naval base for Chinese submarines. Their presence would deter the Indian Navy from blockading Pakistan's sea-lanes. Pakistan may have given the Chinese Navy docking rights at Gwadar, but true to form the Chinese are being quiet lipped about the matter. Not anxious to provoke either the US or India, they have always maintained that defense is Pakistan's internal matter.

The May 14th terrorist attacks in Jammu occurred as Chinese Foreign Minister Tang arrived in Islamabad. Tang congratulated Musharraf on winning the referendum, and re-stated the well-worn line that China and Pakistan were "all weather friends." China is anxious to interject itself back into South Asia, given an increasing US military presence not only in Afghanistan and Central Asia, but also now in Pakistan. It is not prepared to cede political and diplomatic leadership in

this region to Washington, with whom relations continue to be frosty because of the dispute over Taiwan.

Pakistan serves as a valuable military counterweight to India in Chinese strategy, and helps stabilize its southern flank. However, the Chinese do not wish their arms supplies to ever be used in combat since they are simultaneously pursuing stronger economic ties with India. Wary of India's military ties with the US, they will continue to supply arms to Pakistan, while urging Pakistan to find a peaceful resolution of the Kashmir conflict. China has adopted an unbiased posture on the Indo-Pakistani dispute because it does not want to imperil the program of four modernizations initiated during Deng's era.

Pakistan sees things differently. While hosting Premier Zhu in May 2001, Musharraf poetically observed, "Pakistan-China relations are higher than Himalayas, deeper than oceans and sweeter than honey." In the post 9-11 environment, Musharraf has moved to further solidify Islamabad's traditional friendship with China, and used it to push back an increasingly belligerent India. But, like his newfound relationship with the US, he has regained friendship with China at great personal cost.

His policy of cracking down on the militants will never be enough for a BJP-ruled India. From the vantage point of Pakistan's religious parties, it has already caused significant damage to Pakistan's national security. In their eyes, he is as an American stooge who is about to morph into an Indian stooge. Caught between a rock and a hard place, Musharraf needs space for maneuver. Right now, that is at a premium, both at home and abroad.

FEMINIST DEBATES: A PAKISTANI CONTEXT

Tahmina Rashid

To study the themes of women question is a new phenomenon, particularly in the societal context. In the case of Pakistan, the development of women studies and formulation of an agreeable framework is still in its infancy. In this paper an attempt would be made to observe various points of view as advocated by the feminists as well as those who dealt with questions of gender inequality. Issues of women's rights are invariably "part of an ideological terrain where broader notions of cultural authenticity and integrity are debated and where women's appropriate place and conduct may be made to serve as boundary markers."¹ Gender issues in Pakistan can be followed by analysing different discourses used to locate and raise women issues at various stages of political and social development. How women have used these discourses needs to be debated.

The point to explore is whether the rights of women fall in the category of human rights in general, and the second important aspect to be observed is that whether these rights can be located and debated in a broader human rights context. The third inquiry could be raised within a paradigm of religious context. Further, we can also explore these rights, remaining outside the parameters of Islamic law and the local culture-looking into the possibilities that whether the women's rights has established its own culture as well as dynamics. Unfortunately, little has been written on the vital question of women's rights in Pakistan and therefore there is a scarcity of literature on the subject. It makes the job of an analyst difficult as it has to rely on interviews and observations in a particular context. This research methodology not only involves more time and energy but also presents a challenge as the women in Pakistan are hesitant to express their real feelings.

Feminism and Colonialism

When the Muslims introduced their culture as well as socio-political system in South Asia they established Persian and Arabic as the official and court language. The Central Asian Muslims who had come from societies with well established cultures regarded themselves as more well versed in this field than the inhabitants of the land in which they had settled. After centuries of living under this myth of superiority they had to confront a new European system as introduced by the colonial rulers of Britain (1857). Under the British system the Muslim elite faced serious

challenges from the newly introduced European culture through their administrative and legal systems. This change of role and status was not easy to comprehend by the Muslims in general and upper and middle class strata in particular had a deep sense of loss.

The British colonist introduced English as the official language along with a formal institutional public education system in major urban centres, primarily reserved for boys. Muslims were initially reluctant to take advantage of these public schools or schools established by Christian missionaries, but gradually the need to learn new skills to earn a living changed their attitude. Since such economic necessity was not attached to a girl's education, the Muslim community's response in general towards girl's formal education was dismal. Muslim reformists established few schools to provide formal education to the girls of urban middle classes.² For these reformists the question of women's emancipation was situated within the parameters of Islamic rules and in this manner they were able to adjust to a certain degree within the British colonial culture in British India. This Muslim reformism was motivated by the spirit of defending Islam against western criticism on the status of women thus building a strong apology of the Islamic social system- the veil, polygamy, divorce and inheritance.³

British India like other colonies of the East was a symbol of 'the exotic', 'the erotic', another area for western women to work for the powerless, passive and 'uncivilised' 'sisters'. Many feminists in British India shared a feeling of power with male imperialists while working to civilise the subjects, whose 'subjectivity' and 'otherness' was constructed by them and was in dire need of tutorship. However, this need of leading and representing the passive and victim 'sisters' seems to have transferred to urban middle class women of Pakistan after the demise of colonial rule in India (1947). This particular category of Muslim women of Pakistan have assigned themselves the task of representing on behalf of the 'silent' majority of lower class rural and urban women. Although these self appointed spokeswomen of the Pakistani society spoke the language of under privileged women but nevertheless there was a wide gap of perception between the two groups.

Like colonial feminists, these women make efforts to minimise the boundaries of class and rural-urban divide by sporadically visiting 'villages' and organising 'conscious raising' workshops. While these self appointed reformists cared little about the genuine objectives and ways to improve the conditions of under privileged women and instead formulated their own objectives and in order to solve the problems of

these women according to their own perceptions.

Yet another colonial legacy of "frozen Muslim jurisprudence" has been happily adopted by the newly independent Pakistan. In this regard any effort to bring a change and the status- quo resulted in blaming the women activists by certain segments of the society as being western, anti-state and anti-Islam.⁴ Khawer Mumtaz (Islamist feminist) traces the role of Islam in the polity of Pakistan and analyses the use of political Islam in the nationalist project and reformists alike. She also believes that the introduction of customary laws by the coloniser, which deprived Muslim women of their right to divorce and inherit property was carried on in its original shape.⁵ She further explores the manner in which the name of Islam has been used to negotiate, achieve or deny certain rights and status to women in Pakistan, both in colonial and postcolonial settings.

Women issues were never on the agenda during the nationalist movement (1930-47) and this tendency was carried on even after achieving independence, as the task of building a new nation was a priority in the social and political scene. This resulted in a gross negligence of women's unequal social and political placement in the society. Women activists happily embraced the social welfare projects and political issues were left at the mercy and generosity of their male counterparts. Changes however minimal, were in the context of social reform and consequently class determined. Muslim women had no autonomous organisation of their own like their counterparts in the context of Hindu women. This in turn explains the swift decline of their participation in post independence period when they were pushed back from political to social arena.⁶ Women from the province of Punjab, who participated in political and social reform activities were largely from upper and upper middle class and most of them have been exposed to western education.⁷

The religious orthodoxy, despite lacking political clout has always been successful in negotiating the role of Islam in the polity of Pakistan. The tug of power among politicians, bureaucracy and military enhanced the role of orthodoxy, in certain periods of Pakistani history; which in turn generated more confusion about the role of Islam in a modern state. The orthodoxy was able to delay the implementation of Family Laws through parliament and during the rule of Ayub Khan (1958-69) these laws had to be implemented through an ordinance.⁸ The Family Laws of Ayub Khan are known to provide more legal rights to women, which were lacking in the previous jurisprudence of the Pakistan rules. On a broader

fundamentalism emerged in countries such as Algeria, Egypt and Iran in reaction to the extensive modernisation and secularisation experiences. It was felt in these countries that the policies of westernisation, which were being characterized by the ruling elite, has failed to provide answers to their problems.

Religious movements usually go together with the existing social conditions of a society. Changes in the economy, the transformation of class relations and the emergence of a new state bureaucracy may expand or contract requisite resources and opportunities for the success or decline of the mobilization process. In history it has been witnessed that quite often the religious right has tried to tilt the rapidly rising changes in their favour giving impression as if the frustration of the society is due to the secularists policies of the state. Nevertheless, their expressions translated through their perceptions about women can be directly derived from the "objective" facts of social life, as explained before. These impressions are rarely formulated within the context of the existing ground realities that dominate any particular historical period. Women's rights movements in the West have also brought new insights into related issues in the Muslim world. Muslim women are facing a multitude of problems, many of which have their origin in medieval times, when the teachings of Islam were misinterpreted by the vested interests in order to maintain their dominance in a particular society.

The Muslim communities have a long history of conflicting ideas and issues concerning women. Although there is a general consensus that the Islamic system of social relations improved the status of women the present condition of women in the Muslim world would suggest otherwise. There is an urgent need to distinguish what is Islamic from that of socio-cultural, political, economic and tribal in the realm of women's rights. The question to ponder is whether it is an Islamic or a cultural phenomenon. Further questions that can be raised are regarding the role of governments, policy makers and society at large. There has been a debate in Pakistan exploring the question of human rights and attempting to lay down its boundaries, in particular the validity of the general nature of rights and whether it encompasses class, gender and demographic issues. This debate further highlights the urban rural developmental gap.

Broadly, the above mentioned debate can be categorized as either traditionalist or modernist in its approach towards the issue of gender in Islam. Barbara Stowasser's definition of contemporary traditionalists and modernists has three areas of commonality: a criticism of medieval

jurisprudence; the need for *Ijtihad* to reinterpret the *Qur'an*; and the relevance of the experience of the early Islamic community.¹⁸ According to Stowasser, traditionalists want to establish an Islamic state through a revolution, and modernists advocate more gradual social change through reforms. Yet, in their views on women, the revolutionary traditionalist Muslims follow the conventional traditions, while it is the reformist modernist Muslims who exhibit revolutionary tendencies. Around the turn of the last century modernist Muslim scholars, notably in India and Egypt advanced a unique exegesis of the *Qur'an*, arriving at an Islamic feminist conception of gender relations.¹⁹ These scholars related women's rights to education and their involvement in social affairs. They further questioned existing restrictions on women, criticised men's attitude and behaviour towards women, and regulated polygamy.²⁰ Both modernists and traditionalists claim that their views were rooted in the Islamic belief system, yet they developed a quite different Islamic notion of the role and status of women in the family and society.

Traditionalists

Traditionalists are of the view that Islam has given comprehensive and divine guidelines on the rights of women in the *Qur'an* and *Sunnah* and that these rulings are universal and unchangeable. This school of thought is generally represented by scholars of *Ahl al-Hadith*, and thinkers such as, Abu al Ala Maududi, Ashraf Ali Thanvi, Afzalur Rahman, Anees Ahmad and Israr Ahmad.²¹ There is a general agreement in their writings about the role of women in Islamic society as they believe that God has assigned the role of reproduction and motherhood to women and that this is their prime responsibility. Unless there is a compelling need, women should not play any public role, as it will destroy the very fabric of Muslim society and the natural order of social relations. Some of them visualise women as physically and intellectually less capable than men of handling various responsibilities and situations outside the domestic arenas. They believe that God made woman only as a companion for man and that Islam has already given them enough rights and they should not invite God's wrath by questioning the prevalent arrangements.

Traditionalist scholars are committed to the literal interpretation of the rulings in the *Qur'an*, which they take as unchanging guidelines for all facets of human activity. These scholars are critical of Muslim women who have dared to fix priorities in such a manner in which achieving women's rights is preferred to the aspirations for equality in the struggle

against the capitalist oppressors by the developing nations.²² It is strongly believed by certain religious circles that the traditionalists have distorted the reality about the active public role of women as provided by Islam. They are also of the opinion that the glorification of the domestic role defined by the traditionalists is not the proper interpretation of the real spirit of Islam.²³ A conflict exists between the concept of the authentic Islamic identity and a modern cultural consciousness based on knowledge and rational intelligence. It has been widely presumed in these circles that "feminism" cannot coexist within the Islamic social structure.

Ironically, with the common perception of strengthening the cause of Islam, Islamist women support their male counterparts. This is being done as according to the convenience and requirements of this category of Islamists. They also articulate "new" activism and endorse a notion of Islamic gender equality in the public sphere. The practice of public gender equality does not exist in their scheme of things. However, in the private sphere asymmetrical gender roles do not exist. Nelofer Gole notes that "radical Islamist women" who are dissatisfied with the mainstream's control over gender are moving towards a new feminism, raising women's gender consciousness at the risk of alienating Islamists.²⁴

As hinted above the traditionalists believe that the Muslim world is in a state of decline. Its cause is the departure from the straight path of Islam and they find its remedy in the pure interpretation and restoration of Islamic identity and values. To them Islam is a comprehensive way of life stipulated in the *Qur'an*, reflected through the life of the Prophet Muhammad (PBUH) and the nature of the first Muslim community-state in Madina, in the seventh century, as they perceive it. Traditionalists believe that women's adoption of the veil is an authentic expression of cultural conformity in Islam. Such arguments shift the focus of analysis from the issues of power and patriarchal dominance to individual women's cultural self-assertion. The veil may legitimise a woman's presence outside the home, as Leila Ahmad asserts, but it does so on male terms. The experience of Muslim women in the past fourteen centuries has shown that segregation or the veil is not a matter of choice, but one of imposition. It is men, not "Islamic feminists", who decide the confinement of women to a particular quarter. The Islamic values in the same societies have been submerged in the traditional tribal cultural set ups. Therefore, the state becomes irrelevant to determine the choices of the ways of life and to make informed choices among the possibilities as adopted by the citizens. It would also be out of place for the State to permit organised political groups to engage in

violent actions that eliminate people's options.

Modernists

Islamic modernism as a reform movement, emerged in the Indian subcontinent within a pluralistic environment characterised by the presence of such diverse groups of ideological formulators as followers of the Enlightenment, Westernizers, Evangelicals, the traditional Islamic establishment, and the modernist theologians. This pluralistic context was also characterised by the state's limited intervention in the cultural production. Muslim modernists have a different position regarding women's rights and role in the society. Many eminent modernists, such as Ahmad Khan (India), Muhammad Abduh (Egypt), Qasim Amin (Egypt), Muhammad Iqbal (India), Fati Usman (Egypt) and Fazlur Rahman (Pakistan), are in favour of active participation in public life for women on the grounds that women, visibly actively participated in the socio-political and economic spheres in the early periods of Islam.²⁵ They do not question the general view that Islam improved the status of women in the Islamic context and that Islam gave women equal status with men and therefore they are equal in human relations. These above mentioned reformists are of the view that Islam gave a broad outline concerning the dividing gender roles for the Arab society, at that time. They further point out that as the society changed, arises a need for reinterpreting the rulings in the *Qur'an* so as to bring them in conformity with different situations and societies. These rulings are not stagnant, and they argue that the Prophet Muhammad (PBUH) never envisaged a society where women were to be secluded from public life and given an inferior status vis-à-vis men. Fazlur Rahman (Pakistan), Asghar Ali Engineer (India), Fatima Mernissi (Morocco), Riffat Hasan (Pakistani based in U.S), Parvaiz Ahmad (Pakistan), and Haleh Afshar (Iran) also advocate this modernist interpretation.²⁶ Religious modernists are further committed to the *Shari'ah* Law, but they seek understanding of Islamic law in a historical context and using a methodology that grants women greater rights and freedom.

Despite the differences in understanding and interpretation of the rulings in the foundation texts of Islam by traditionalists and modernists, they are nevertheless in agreement that religious laws have divine origin. Modernists, such as Fareeda Shaheed, suggest that religion should be broken down to its constituent parts, with differentiation between religious faith and social customs.²⁷ Mernissi claims that successive Muslim *ulama* (scholars) manipulated and distorted the sacred texts from the seventh century onwards in an effort to maintain male privileges. Her close textual analyses of the *Qur'an*, and of words

and deeds attributed to the Prophet Muhammad (PBUH), support her far-reaching reinterpretation of the historic roots of Islam and of its much later tendency to reduce women to a "submissive, marginal creature."²⁹ Modernist scholars believe that women's rights are denied by invoking various theological issues. Muslim feminists have also long argued that it is not religion as such, but male interpretations of the *Qur'an* that were added in the Middle Ages, which is mainly responsible for the oppression of women.²⁹ According to Majid, (a traditionalist scholar) Mernissi is "guilty of desacralizing the *Qur'an*" by reducing it to a "mere historical document". He also argues that she has crossed the line dividing what is permissible and what is not.³⁰ What we gather from Majid is that he assumes ascertaining divine intent is a purely male prerogative.

The works of many modernist feminists, such as Haleh Afshar, force us to inquire into the meaning of the "strict interpretation" and reveal new forms of feminism to emerge within Islamic contexts.³¹ The domestication of women confining to the family is common to most of the patriarchal Muslim world, and therefore leading to a sub-ordinate position of the women. Though domestication varies across Muslim cultures, societies and states, it carries the imprint of strong patriarchal systems and structures that are reinforcing the use of Islam as a tool to control women's bodies, sexuality, rights and culture.³² However, across much of this same world the rules governing family and personal matters are derived from Muslim law as interpreted by the conservatives. Customary practice thus interlocks with formal law to keep women oppressed, and one or the other is almost inevitably labelled "Islamic."³³

There is, however, a complicated gender bias in the perception of the feminists when we look at the works of Muslim modernist women such as Mernissi. Through her reading and historicization of the *hadith* she articulates a more radical position on gender equality in Islam than do male modernists. Amina Wadud-Muhsin also demonstrates gender equality in Islam through her innovative interpretation of the *Qur'an* within the Islamic modernist school.³⁴ Her work can be cited as an example of Islamic feminism. Both Mernissi and Wadud advocate gender egalitarian practice within Islam; they differ here from reformists and are clearly revolutionaries. Wadud sets out the categories of *Qur'anic* interpretation in her work as traditional (male), and reactive (feminist and other ideologically driven), asserting that she employs a holistic approach in finding that the *Qur'an* provides gender equality. It is very important to investigate Wadud's categorisation of feminism as

reactive and her assertion that feminism constitutes a move to "vindicate" the position of women on grounds entirely incongruous with the *Qur'anic* position on women. Within a feminist context, many Muslim women are demonstrating gender equality across a public/private continuum through re-readings of the foundation texts of Islam.³⁵ Perhaps that is one of the reasons why many of them refuse to be labelled as feminists; the risk is that this may result in failure to recognise the plurality of feminism.

Mai Yamani, a notable modernist, observes that contributors to new feminist debates on Islamic feminism include "new feminist traditionalists", "pragmatists", "secular feminists", and "neo-feminists," who share a common concern with the empowerment of their gender within a rethought Islam.³⁶ Other recent research shows that some women who are conducting gender-progressive readings of Islamic texts have emerged from within an Islamic state. Hasan and Mernissi, for example, who are engaged in a rigorous re-examination of the *Shari'ah*, insist that a feminist reinterpretation of the *Shari'ah* is possible, especially in those Muslim countries where Islam is no longer one of the oppositional discourses in national politics.³⁷ This is a decidedly radical move within both Islamist and feminist contexts. Mir Hosseini (an Egyptian scholar) while discussing this new theses, emphasises that emergent brand of Islamic feminist discourse constitutes a critical shift from the condemnation of women towards that of the patriarchal voices within the Islamic establishment that promote masculinist constructions of the *Shari'ah*.³⁸ Such innovative conception of gender challenges the hegemony of orthodoxy, paving the way for tackling the "women's question" from an entirely new perspective within Islamic jurisprudence. Azza Karam employs the term "Islamist feminists" to distinguish feminism from non-feminism within the Islamist movement and to demonstrate convergence with women outside the Islamist movement who are feminists.³⁹ Karam designates these as "Muslim feminists" who use the discourse of Islam as one among several discourses in gender analysis.

Contemporary Islamist feminists agree on the urgency with which women must use *Ijtihad* (reinterpretation) to recapture their rights. Karam notes that many Islamist feminists advocate gender equity (in the family sphere) rather than gender equality.⁴⁰ They generally do not belong to a broader political movement and are constrained by masculinist political Islam and by those women who take a liberal position on gender within the boundaries of movement loyalty. They do not constitute a serious independent gender activism within mainstream

Islam. Secular and Muslim feminists are freer to articulate their gender platform but without being part of a larger movement, cannot effectively exert influence far beyond their immediate circles.

Secularists

Secularist scholars, such as Nawal al-Sa'dawi, Leila Ahmad, and Mahnaz Afkhami, approach their intellectual analysis from a different understanding of religion and society.⁴¹ For these secular feminists, women's emancipation falls beyond the preview of Islam - "Secular feminists" however, do not use the language of Islam. They criticise traditionalist scholars for not addressing real issues in evolving societies and for taking *Shari'ah* as a set of universal and unchanging rules and then implementing it in a range of complex, dynamic and historically specific social and political situations. These scholars reject the arguments that a woman's right to choose her style of dress and public behaviour stands in opposition to the society's collective right to Islamic dignity.⁴² They underscore the fact that Islamic dignity, as defined by the traditionalists, countenances inequality of the sexes. Many of them adamantly refuse any association with feminism and are scathing the notion of feminism, which they regard as superfluous to Islam and a manifestation of Western Cultural Imperialism.⁴³

Socialist Feminists

Socialist feminists led by Nighat Said Khan is one notable socialist feminist voice in the mainstream women's rights movement, which has taken a radical position in relation to the role, status and rights of women in Pakistan. Since their stance is different from secularists and they have positioned themselves as socialists, it's important to look at their approach separately. Khan has raised a complex issue of religious identity within the women's movement in Pakistan of which she herself claims to be a part. She asserts that women should struggle for a secular state, and encourages women activists to come forward and openly debate and discuss the issues of religion and identity and formulate a clear position whatever the outcome or the implications are.⁴⁴ She asserts that since "all states carry within them the seeds of the dominant faith, and this dominant faith tends to be articulated through every social, legal and political institution and in all personal and political relationships."⁴⁵ She further opines that Muslims in Pakistan should not be afraid of the notions of a secular state. She is quite critical of other Pakistani women activists who locate their identity within Islam, and observes that "their identity as Muslims appears to be predominant one

violent actions that eliminate people's options.

Modernists

Islamic modernism as a reform movement, emerged in the Indian subcontinent within a pluralistic environment characterised by the presence of such diverse groups of ideological formulators as followers of the Enlightenment, Westernizers, Evangelicals, the traditional Islamic establishment, and the modernist theologians. This pluralistic context was also characterised by the state's limited intervention in the cultural production. Muslim modernists have a different position regarding women's rights and role in the society. Many eminent modernists, such as Ahmad Khan (India), Muhammad Abduh (Egypt), Qasim Amin (Egypt), Muhammad Iqbal (India), Fati Usman (Egypt) and Fazlur Rahman (Pakistan), are in favour of active participation in public life for women on the grounds that women, visibly actively participated in the socio-political and economic spheres in the early periods of Islam.²⁵ They do not question the general view that Islam improved the status of women in the Islamic context and that Islam gave women equal status with men and therefore they are equal in human relations. These above mentioned reformists are of the view that Islam gave a broad outline concerning the dividing gender roles for the Arab society, at that time. They further point out that as the society changed, arises a need for reinterpreting the rulings in the *Qur'an* so as to bring them in conformity with different situations and societies. These rulings are not stagnant, and they argue that the Prophet Muhammad (PBUH) never envisaged a society where women were to be secluded from public life and given an inferior status vis-à-vis men. Fazlur Rahman (Pakistan), Asghar Ali Engineer (India), Fatima Mernissi (Morocco), Riffat Hasan (Pakistani based in U.S), Parvaiz Ahmad (Pakistan), and Haleh Afshar (Iran) also advocate this modernist interpretation.²⁶ Religious modernists are further committed to the *Shari'ah* Law, but they seek understanding of Islamic law in a historical context and using a methodology that grants women greater rights and freedom.

Despite the differences in understanding and interpretation of the rulings in the foundation texts of Islam by traditionalists and modernists, they are nevertheless in agreement that religious laws have divine origin. Modernists, such as Fareeda Shaheed, suggest that religion should be broken down to its constituent parts, with differentiation between religious faith and social customs.²⁷ Mernissi claims that successive Muslim *ulama* (scholars) manipulated and distorted the sacred texts from the seventh century onwards in an effort to maintain male privileges. Her close textual analyses of the *Qur'an*, and of words

and deeds attributed to the Prophet Muhammad (PBUH), support her far-reaching reinterpretation of the historic roots of Islam and of its much later tendency to reduce women to a "submissive, marginal creature."²⁸ Modernist scholars believe that women's rights are denied by invoking various theological issues. Muslim feminists have also long argued that it is not religion as such, but male interpretations of the *Qur'an* that were added in the Middle Ages, which is mainly responsible for the oppression of women.²⁹ According to Majid, (a traditionalist scholar) Mernissi is "guilty of desacralizing the *Qur'an*" by reducing it to a "mere historical document". He also argues that she has crossed the line dividing what is permissible and what is not.³⁰ What we gather from Majid is that he assumes ascertaining divine intent is a purely male prerogative.

The works of many modernist feminists, such as Haleh Afshar, force us to inquire into the meaning of the "strict interpretation" and reveal new forms of feminism to emerge within Islamic contexts.³¹ The domestication of women confining to the family is common to most of the patriarchal Muslim world, and therefore leading to a sub-ordinate position of the women. Though domestication varies across Muslim cultures, societies and states, it carries the imprint of strong patriarchal systems and structures that are reinforcing the use of Islam as a tool to control women's bodies, sexuality, rights and culture.³² However, across much of this same world the rules governing family and personal matters are derived from Muslim law as interpreted by the conservatives. Customary practice thus interlocks with formal law to keep women oppressed, and one or the other is almost inevitably labelled "Islamic."³³

There is, however, a complicated gender bias in the perception of the feminists when we look at the works of Muslim modernist women such as Mernissi. Through her reading and historicization of the *hadith* she articulates a more radical position on gender equality in Islam than do male modernists. Amina Wadud-Muhsin also demonstrates gender equality in Islam through her innovative interpretation of the *Qur'an* within the Islamic modernist school.³⁴ Her work can be cited as an example of Islamic feminism. Both Mernissi and Wadud advocate gender egalitarian practice within Islam; they differ here from reformists and are clearly revolutionaries. Wadud sets out the categories of *Qur'anic* interpretation in her work as traditional (male), and reactive (feminist and other ideologically driven), asserting that she employs a holistic approach in finding that the *Qur'an* provides gender equality. It is very important to investigate Wadud's categorisation of feminism as

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Rehana Saeed Hashmi

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Even after more than half a century, Pakistan underwent many types of occurrences, some of them embodied in crisis - internally as well as externally. The country faced three martial laws (1958; 1969; 1977), while the recent undeclared Martial Law continued till November 2002. There were three constitutions, four wars with India along with a standoff on the borders, which continues even after seven months. In 1971 Pakistan confronted a civil war, which resulted in the creation of Bangladesh. During the last fifty years of Pakistan's history, successor governments have been intolerant, harsh and unaccommodating while dealing with their predecessors. The main reason attributed to this situation is that the transformations are an outcome of violent method rather than constitutional procedures. The new rulers have been quick to dust off the old prescriptions from the slate and replace them with their own political recipes without altering terms of the economic equation.

Different rulers from Governor-General Ghulam Mohammad (1951-1955) to Martial Law Administrator/President Muhammad Ayub Khan (1958-1969) and from General Zia ul Haq (1977-1985; 1985-1987) to present President General Pervez Musharraf (1999-), tried ultra constitutional methods to establish themselves in power. Nevertheless they applied diverse techniques though similar in characteristics, to acquire power with the sole object of prolonging their existence.

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Apart for the Martial Law regimes, Pakistan undertook different periods of democracies these were not lengthy enough to consolidate the roots of a democratic culture in the society. President Musharraf also planned to extend his stay for at least five more years,³ notwithstanding that President Musharraf announced October 10, 2002 as the date for the elections for National and four provisional assemblies. During his various speeches and pronouncements the President stressed that the old system had serious faults that must be corrected. In this respect he announced a number of amendments in the Constitution of 1973.⁴

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27. Shaheed, Fareeda and Khawar Mumtaz "Islamisation and Women: The Experience of Pakistan," The World of Islam Feb. 1990, pp. 67-80.
28. Mernissi, op-cit, p. 81.
29. Mayer, Ann Elizabeth "Comments on Majid's 'the politics of feminism in Islam.'" Signs, Winter, 1998. Vol. 32, Issue. 2, p. 374.
30. Ibid, p. 376.
31. Gole, Nilufer The Forbidden Modern: Civilisation and Veiling. (Ann Arbor: University of Michigan Press. 1996) p. 17.
32. Esposito, John L. & Yvonne Yazbesk Haddad Islam Gender and Social Change. (Oxford: Oxford University Press. 1998) p. X-XVII.
33. El-Solh, Samillia Fawzi & Judy Mabro, (eds) Muslim Women's Choices. (Oxford: BERG Publishers. 1994) pp. 8-11.
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DEMOCRACY: OLD TRENDS, NEW PATTERNS - A PAKISTANI EXPERIENCE

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declared the dissolution of the Assemblies as unconstitutional. The direct consequence of the order was that it accelerated the speed of political and electoral process in the country.⁵

According to the Supreme Court's decision of October 5, 1988, elections were conducted on 16th of November, on party basis. Two important political contestants were the Pakistan People's Party and the Islami Jamhoori Ittehad (IJI) consisting of electoral alliance of nine political parties and groups. During the election campaign the PPP took full advantage of the weaknesses of the Zia regime and the sufferings that its workers had experienced during the Martial Law. It also capitalized on the record of the previous Bhutto regime (1971-1977). It was promised by the PPP Chairperson, Benazir Bhutto that once in power the new government would create new directions for the future development of Pakistan. After a closely contested race, the PPP won the elections and formed its government in the Center and three of the Provinces. However, in the largest province Punjab, the opposition coalition of parties IJI was able to form its government under the Chief Ministership of Nawaz Sharif.

Benazir Bhutto's short lived regime (1988- 1990) faced numerous problems from the very start of its government. During twenty months of her government, the PPP government misruled the country and could not come in grasp with the basic requirements of the people. It even went back on its election agenda and a widespread corruption and mal-administration was witnessed in every sphere of the society.

There are numerous events that indicate a growing disillusionment within the bureaucracy against the PPP government. Its lack of effective control over its official apparatus and a polarized polity, whose cleavages extended to various layers of the bureaucracy. The PPP grappled with the serious task of governance - an assignment made much more difficult by the complexion of the larger political conditions in the country. A strong opposition in the Center and opposition's control in Punjab and later on in Balouchistan further complicated the matters for the government.⁶

Beside these setbacks, a serious confrontation between the president and the government started to emerge due to widespread rumors of corruption and nepotism, especially by the Prime Minister's husband, Mr. Asif Ali Zardari. The already fragile administration of the Prime Minister was ultimately dissolved on 6th of August 1990. The President justified the dissolution by presenting a long list of allegations.⁷ As required by the Constitution President Ghulam Ishaq

Khan set October 24, 1990 as the new election date. The presidential order of dismissal was challenged in the higher court. Meanwhile, new elections took place as according to the schedule and the delayed Supreme Court's verdict of November 4, 1990, justified the dismissal order. But it came at a time when new assemblies had already been formed and were well entrenched in the performing of their functions. Once the Supreme Court decided the matter, it was felt as if the Pakistani polity was getting ready for a meaningful experience - towards the development and consolidation of the democratic structures that had suffered so much in the past.

PHASE II - 1990-1993

The IJI and Peoples Democratic Alliance (PDA) were the two electoral alliances that emerged in the wake of elections, announced to be held on October 24, 1990.⁸ Both IJI and PDA had nearly equal support amongst the masses at national level though smaller and regional parties were also active in their respective provinces. IJI was able to emerge as a formidable alliance in 1990 elections as combined opposition parties had geared up against the PPP. It was supported in Sindh by MQM while Jamboree Watan Party was one of its components in Balochistan. IJI had support of strong regional parties like Awami National Party in NWFP along with an extremist religious group like Sipah Sahaba in the Punjab.⁹

The IJI announced its election manifesto only 12 days before the elections, with minor changes from the earlier document of 1988. Its salient features included changing the existing judicial system to Islamic mode so as to speed up justice. Moreover, special attention was directed towards the rural areas and their development. The manifesto further promised to handover the distribution of gas and electricity to the private sector. The manifesto claimed to build up a reasonable momentum for the uplift of economic development to a level that would double the national income in a decade.¹⁰ While the PDA, comprising of the Pakistan Peoples Party, Tehreek Nifaz-e-Jafria and Pakistan Muslim League (Qasim Group) presented their programme for the future government.¹¹ It unveiled its manifesto on October 15, 1990 that pledged to restore the 1973 constitution, decrease voter's age to 18 years and encourage investment and industrialization. Compulsory education until class ten, full support to the freedom fighters in Kashmir and a free press was the other main points of its manifesto.¹²

A cursory look at the election manifestoes of the two alliances reveals that both addressed nearly the same issues. However, both alliances ignored a variety of matters of concern that are vital for the improvement of the conditions of the masses. They overlooked the construction of Kala Bagh Dam, which provides an answer to the shortage of increasing water resources in Pakistan. Both the alliances preferred to remain silent on the burning issues of agriculture tax and distribution of irrigation water between the provinces. A considerable number of populations in the Punjab firmly believed that Kala Bagh Dam could be instrumental in bringing prosperity to the country. However, both alliances ignored the issue because of the politicised reservations of other provinces. Similarly, both failed to present a solution for the ethnic and regional adjustments as according to the provisions of the 1973 Constitution. PDA dominated by the PPP could not present any economic salvation for the suffering masses.¹³ It should be remembered that the PPP possesses a certain vote bank on the bases of its economic solutions for the society.

October 24 and 26 elections gave the IJI a clear mandate to form governments in three of the four provinces. It contested for 153 of 207 National Assembly seats and won 107 seats in the Central Legislature. In comparison PDA contested on 182 seats but could win only 44 National Assembly seats. The MQM with its base in urban Sindh was the other major winner with 15 seats; while 22 members of the National Assembly were elected as independents. The rest were distributed amongst regional parties, from Baluchistan and (NWFP), in particular.¹⁴

Because of its overwhelming majority the IJI was able to form the government at the center. On November 1, 1990 its parliamentary party elected Mian Nawaz Sharif as the leader of the House. He was elected the Prime Minister on November 6, 1990 getting 153 votes and assumed the office on the same date.¹⁵

Divergence of Interests in the IJI

The electoral alliance of IJI was based on different political parties and groups with divergence of interests. All the parties had different ideologies and it was the electoral compulsions that had brought them together, thereby it was no surprise that the differences amongst the component parties of IJI came in to open only ten months after assuming power.

Because of the mentioned differences, the Secretary General Professor Ghafur Ahmad of Jamaat-e-Islami tendered his resignation

on July 28, 1991.¹⁶ Soon after IJI's main component party the Muslim League expelled one of its leader Mian Zahid Sarfraz from the party. Former caretaker Prime Minister Ghulam Mustafa Jatoi was also expelled from the IJI and his son was removed from the federal cabinet.¹⁷ Various channels were used to resolve the differences amongst the different components of the IJI but they were not successful on any account. When all hopes of reconciliation failed, its main component party the Muslim League decided in March 1992 to expel Jamaat-e-Islami from the IJI and the Jamaat announced its separation from the alliance in May 1992. Jamaat Ahle-e-Hadith also parted ways after some time.¹⁸ In spite of the defections from the IJI, the Muslim League of Prime Minister Nawaz Sharif still maintained a reasonable majority in the parliament and expected attempts of no confidence against his government remained remote.

Relations with the Provinces

As IJI was the ruling party in all provinces as well it embarked on a massive welfare program under the name of Tameer Watan Program under which numerous primary schools, health centers and various social sector projects were launched. Since all the provincial governments belonged to the ruling party, therefore the Prime Minister faced little or no problem in implementing his various agenda as mentioned above.

However Sindh was an exception where law and order posed a serious problem. The government decided in May 1992 to induct the army to help restore provincial law and order situation by carrying out effective action against the terrorist groups, mainly operating in the forests of interior Sindh. The Army was provided with vast powers by the federal government on May 19, 1992. The Prime Minister invoked those sections of the constitution, which allowed the Federal Government to take assistance from the Armed Forces in order to maintain law and order situation.

Army operation in Sindh started from May 31, 1992.¹⁹ under Article 245 of chapter 2 entitled "Functions of Armed Forces." It read as follows:

The Armed 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.

Some of the members of MQM, who were coalition partners of the government in Sindh were also arrested in this army operation. They were accused of supporting the terrorist activities in the province. Due to government's action against the MQM its leadership decided to withdraw their support and resigned from the national and provincial assemblies. Their members resigned on June 28 1992 and demanded the withdrawal of the Army. The Prime Minister stood firm and stressed that who so ever was found engaged in unlawful activities would be brought to task.²⁰

Confrontation with Opposition Parties

The opposition parties in the meanwhile refused to accept the election results. They accused the establishment of masterminding IJI victory. Nawaz's policies of privatization, yellow cab scheme were heavily criticized by PDA.

In Sindh, the IJI government was in a critical position. After the death of IJI's elected Chief Minister Jam Sadiq, the newly nominated provincial chief executive Muzzafar Ali Shah could not gather support from the provincial assembly and was strongly opposed by the PDA. PDA Secretary General Khursheed Mehmood Kasuri told newsmen that all national and provincial assembly members belonging to PDA have handed over their resignations to Benazir Bhutto. He said she would submit these resignations at some suitable time. He also threatened of countrywide agitation from July 30 if the governor asked Shah to take a vote of confidence from the Sindh Assembly. PDA also demanded the resignation of both the President and the Prime Minister.²¹

The situation became worst when the Prime Minister challenged the opposition to go ahead and submit the resignations. He said fresh elections would be conducted within 60 days from all constituencies that fell vacant as a result of these resignations.

Relations between the government and opposition were further strained when PDA leader Benazir Bhutto at a public meeting in Rawalpindi announced that there would be no dialogue with the government. She accused the government of assuming power through rigged elections and accused the rulers of corruption.

Ultimately, the Chief Minister designate of Sindh succeeded in signing an agreement with the MQM. Under the agreement the ministries would be reinstated until June 1993 and the representation

from rural areas would be restored. Cases of government servants retired during June would be reviewed. Problems relating to Karachi would be resolved in consultation with the MQM ministers and assembly members from the urban areas. It was further declared that the developmental schemes initiated through the Sindh Assembly members would be completed on priority. Government would provide security to MQM nominees on demand. Army would supervise census and local bodies elections. MQM would be consulted for reconsidering local body's election. Existing quota system in government service would continue till March 1993. Through this agreement MQM condemned the ongoing terrorist activities.²²

After agreement between the government and MQM the PDA accused the government of protecting terrorists. It called for fresh elections on the ground that IJI has lost its mandate after disassociation of most of its component parties who contested elections from one platform. PDA head Benazir who was also the chairperson of Pakistan Peoples Party announced "a long march" against the government from November 18 and said that the march would continue till the resignation of the government.²³

The confrontation got further aggravated when Nawaz government took firm measures to stop the "long march". Many opposition workers were arrested and the refusal of PDA leadership to negotiate further complicated the matters. Meanwhile, the IJI government had to face another front when differences between IJI and its ally in NWFP, the ANP surfaced in June 1993. Chief Minister NWFP, Mir Afzal Khan in a written complaint accused the government of neglecting the representation of provinces while forming National Highway Authority. He also asserted that the federal government should take provinces into confidence while privatizing WAPDA, Sui Gas and Railways.²⁴

Tension Between President and the Prime Minister

As the political tensions continued the death of the Chief of Army staff General Asif Nawaz Janjua on January 8, 1993, created another crisis for the government. President Ghulam Ishaq appointed Abdul Wahid Kakar as the new army chief perhaps against the advice and wishes of the Prime Minister. This action of the President further increased the differences between the two.

In an attempt to isolate the President, the ruling party in January 1993 appointed opposition leader Benazir Bhutto as the chairperson of the foreign affairs committee of National Assembly. The exceeding

tensions between the President and the Prime Minister became public when Nawaz Sharif in his address to the Senate stressed the need to strengthen the office of the Prime Minister by withdrawing some of the powers vested to the president under the eighth amendment of the constitution. This statement by the Prime Minister forced the supporters of the President to come into open and thwart any move to scrap the eight-amendment.²⁵ Another action that aggravated the situation was the nomination of the candidate for the next presidential election. The parliamentary party of the IJI gave Nawaz Sharif the mandate to decide on the name of the next president and take decision on the removal of certain presidential powers. He appointed high-powered committee to take the opinion of the public in this regard.²⁶

Despite all the tensions both the President and the Prime Minister refrained to address each other, directly. Both however never stopped lobbying to gather support to thwart each other's moves. Nawaz Sharif wanted the eight amendments to be scrapped with thumping majority. This perhaps was the reason for appointing Benazir Bhutto as chairman of the Foreign Affairs Committee of the National Assembly. President Ishaq cautiously issued a statement on February 20, 1993 that the presidency was not involved in any conspiracy against the Prime Minister. His spokesman further denied that the President has ever given indication to any political leader about dissolving the assemblies. Despite this statement the situation remained tense between these two pillars of Pakistani power.²⁷

Leadership Crisis in Pakistan Muslim League (PML)

When the Prime Minister Nawaz Sharif was facing problems from opposition and the presidency a real leadership crisis was brewing up in his own party, the ruling PML. The parliamentary party of PML gave Nawaz Sharif the mandate to choose the next presidential candidate as well as to take decision regarding changes in eight amendments. PML president Mohammed Khan Junejo was in the US for treatment. He was not invited to give his opinion about the issue. The PML was clearly divided into two factions- pro Nawaz and pro Junejo groups. Meanwhile PML leaders Abdul Sattar Lalika and Chaudhry Abdul Ghafur claimed themselves to be the acting president of PML in the absence of Junejo. After his death in March 1993 Nawaz Sharif got himself elected as the next PML president at a special meeting called by him at the Prime Minister's house on March 27, 1993. Hamid Nasir Chattha walked out of the meeting under protest. Muslim League soon after was divided into two more factions- the Chhatta league and the Nawaz league.²⁸ This division weakened the party and strengthened PDA by default. PDA

leadership exploited the situation intelligently to strengthen the position of the President. Due to the factions within the party, many cabinet members of Nawaz government resigned. These included stalwarts like Chattha, Asad Junejo, Anwar Saifullah, Jam Mashooq Ali, Mir Hazar Khan Banjarani and many others.²⁹

Realizing the gravity of the situation the Prime Minister cut short his visit to Germany and called an emergent meeting of his cabinet. In this meeting cabinet decided to nominate Ghulam Ishaq as the next presidential candidate of the ruling party. It was also decided not to amend or scrap the 8th amendment. Nawaz personally conveyed these decisions to the president. Logically, the crisis should have ended after this decision but it was not so. It seemed that the Presidency was directly involved in destabilizing the government of Mian Nawaz Sharif.³⁰ A meeting between President Ghulam Ishaq and the Prime Minister on April 14, 1993 failed to resolve the differences between the two. Nawaz Sharif in his address the nation on April 17 severely criticized the President. He accused him of trying to run the parliament through remote control. Nawaz asserted that he would either take dictation or dissolve the assemblies or resign. Later he gave details of the achievements of his 30 months rule.³¹

Dissolution of Assemblies and President's Charge Sheet Against Nawaz

The president reacted promptly to the accusations from the Prime minister. He met the opposition leader Benazir Bhutto who presented him with the resignations of 41 assembly members. Ghulam Ishaq dissolved the National and all Provincial Assemblies on April 18, 1993 and issued a charge sheet against the deposed Prime Minister. The charge sheet stated:

1. That a large number of members of the National Assembly, which included a large number of opposition member and a substantial number from ruling party, resigned from their seats. As such the presidential order asserted that the assembly has lost its mandate. Moreover it was alleged that the disarray in ruling party created chaos of governance.
2. The Prime Minister who met the president a number of times during March and April had requested him to take necessary steps as the country was passing through difficult times and both internal and external situation were not satisfactory. However, the Prime Minister in his April 17 address to the nation, instead of taking the nation into

confidence on problems faced by the country levied baseless allegations on President. The President, the charge sheet added, is the symbol of federation and national unity.

3. The federal government failed to adhere to the constitutional provision of provincial autonomy that is essential to maintain uniting in the federating units. It failed to let the council of common interest operate freely. This council though is accountable to the parliament only. National Finance Commission that formulates national economic policies was overlooked totally in this regard. The rights of provinces were usurped.
4. Government interference in many corporation and banks resulted in mismanagement, corruption and nepotism. The presidential charge sheet then gave detailed account of the violations of the constitution committed by Nawaz government during its rule which forced the president to dismiss the government and dissolve the assemblies.³²

Legal Battle

Legal battle for the restoration of assemblies ensued immediately when National Assembly speaker Gohar Ayub filed a petition against the dissolution in the Lahore High Court on April 18, 1993. While the hearing was going on Mian Nawaz filed another petition against presidential action in the Supreme Court of Pakistan. Lahore High Court deferred the hearing of Gohar's petition till the decision of Supreme Court on Nawaz's petition.

Full bench of 11 member Supreme Court headed by its Chief Justice Naseem Hassan Shah heard the petition. The bench heard the petition daily between April 26-May 8, 1993 and then between May 15 and 26 before giving the final verdict. The presidential decision was declared illegal by the court by a majority vote when 10 out of 11 judges agreed with the petitioner's plea. The assemblies and the government were reinstated.³³ It is pertinent to note that the Chief Justice Naseem Hassan Shah during the trial had given a clear indication that the government would be reinstated.³⁴

On May 26, 1993, the Supreme Court in its decision stated that the president went beyond his constitutional mandate to dismiss the government and the assemblies. The court systematically dismissed all the allegations against Nawaz government by the president. Justice Sajjad Ali Shah who said that the presidential action was correct wrote the lone dissenting note. He said there was a constitutional crisis that

warrants that a fresh mandate be obtained from the public. He said the strained relations between the president and the Prime Minister would impede smooth running of the federation. Therefore, he added, fresh elections are to be held.³⁵

Post Reinstallation Scenario

As soon as the assemblies were restored Nawaz Sharif took a fresh vote of confidence from its members on May 27, 1993 and obtained 123 votes. No one opposed him. PDA boycotted the assembly proceedings but 5 of its members sided with the Prime Minister.³⁶

The Supreme Court verdict could not resolve the crises. There was turmoil in the provincial set-up where new governments were installed through assemblies after dissolution of the Nawaz regime. These governments were still operating when Nawaz was reinstated. Ghulam Haider Wyne was voted out and Manzoor Wattoo became the Chief Minister of Punjab, just two days after Nawaz Sharif took vote of confidence from the National Assembly. The Chief Minister of Punjab advised the then governor Altaf Hussein to dissolve the Punjab Assembly. It was evident that the president was not prepared to lay down his arms. By creating crisis after crisis he made his intentions clear that retaining an effective Prime Ministership would not be easy for Nawaz Sharif.

Nawaz Sharif on the other hand was looking for ways to confront the President. Instability and chaos was witnessed all around the country. Some speculated that the assembly would impeach the president. Others were monitoring the tactical moves by Benazir Bhutto and the PDA. It was still not clear whether the PPP chairperson would side with the President after reinstatement of Nawaz government. The crisis had definitely deepened after the court verdict.³⁷

To resolve this crisis army intervened making a deal with the opposition leaders and compelled Nawaz Sharif to advise the President for the dissolution of National Assembly. With the dissolution 6th of October 1993 was declared the date for new elections.

As a result of the general elections in 1993, the PPP got eighty six seats and the PML(N) could muster only seventy three seats, while PML (J) could win only six seats. The PPP formed an alliance with the PML(J) at the center and with the help of some independent members and small parties in the Punjab, Ms Benazir Bhutto was elected Prime Minister on October 19, 1993, after getting 121 votes in the National Assembly.

After the formation of the government in the center and in the provinces the important challenge for the PPP government was to elect the new President as President Ghulam Ishaq Khan had already completed his term. In the new presidential elections held on November 13, 1993, the PPP's nominee Farooq Ahmad Khan Laghari was elected with 274 votes.³⁸

Once again, Benazir Bhutto was unable to effectively control the government machinery but the real problem came in when the confrontation with Judiciary started to emerge. Soon after assuming power the Prime Minister challenged the senior Judge justice Saad Saud Jan and in his place she appointed Justice Sajjad Ali Shah as the Chief Justice of Pakistan. The reason was that Justice Sajjad Ali Shah was the only judge who wrote a descending note against the reinstallation of Nawaz government.³⁹ During her tenure she also tried to fill the High court with political appointees. In August 1994, the Lahore High Court was filled with twenty political appointees. Only six or seven judges could justify their appointment on merit. Initially, Chief Justice Sajjad Ali Shah supported the government but when he got convinced that the government was determined to damage the Judiciary as an institution he parted his ways from the PPP government and decided to resist the government's frequent interference in judiciary. Apart from the problems with the judiciary, differences had begun to brew between President Farooq Ahmad Khan Laghari and Benazir Bhutto spread over several months. The difference between them became public after the filing of the president's Reference No 2 of 1996 on September 21, 1996, in which the president referred the question of Law for the consideration and opinion of the Supreme Court, whether the powers of the president to make appointments to the Supreme Court and High Court Judges under articles 177 and 193 of the constitution are subject to the provisions of article 48(1) of the constitution. Apart from the confrontations between President and the Prime Minister, there were certain other political events that took place in September 1996 that led to the decay of her government. The law and order situation deteriorated daily, particularly in Karachi; Sabir Shah's government in NWFP and Manzoor Wattoo's government in Punjab was overthrown by using illegal ways. Because of all these and many other reasons, her government was dissolved between 4 and 5 November 1996 by President Farooq Ahmed Khan Laghare, using Article 58(2)(b) of the constitution.⁴⁰ Elections were held once again in which the Pakistan Muslim League made a clean sweep.

During the period between 1996 to 1999, Prime Minister Nawaz Sharif enjoyed full confidence of the house, but with autocratic methods.

Due to weak opposition and overwhelming majority in the house, the Prime Minister Nawaz Shareef started to concentrate all powers in his hand. The attitude and way of making policies by Nawaz Sharif was criticized as it went against the democratic norms. In order to further strengthen his position, Nawaz Sharif exceeded his Constitutional jurisdiction and went beyond his political authority by reportedly hijacking the plane of the Chief of Army Staff. On October 12, 1999 he was over thrown by the army and country was once again put under the military rule.

After eleven years of democratic experience, the country once again went into the hands of army. Although, the present government has promised to restore democracy in the country and to fulfil this promise, it has taken certain steps, but the problem is that the present military government believe in the outdated western concept that military acts as an agent of political development. But the program given by the Military Government is partially working, although after the elections of October, 2002 a new government have been formed but due to the politics of factionalism its future is also uncertain.

After the discussion, all the matters, as mentioned above, three important problems can be traced as the main causes of the impediment of country's political development and the failure of democracy.

- (1)The crisis of legitimacy'
- (2)The crisis of participation
- (3)The penetration crisis

The Crisis of Legitimacy

It is observed that several governments in Pakistan have succeeded in establishing their legitimacy, almost beyond question, but only for limited period of time, except Quid-e-Azam, no other political leader of Pakistan and no other government have been able to establish and maintain their legitimacy for more than a brief period of time. For nearly half of its existence Pakistan has had either weak governments whose legitimacy was almost constantly in question or has been under Martial Law or various other forms of military rule. After 1988, five governments have been dissolved, with in a short period of time because all the governments could not maintain their legitimacy.

The Crisis of Participation.

To maintain legitimacy, it is necessary to overcome the crisis of

participation. Elections are the accepted source of mass participation amongst the comity of nations as elections are regarded among the most tangible, formal and demonstrable acts of collective decision in political process. Pakistan's experience with elections has been limited and disappointing. Elections of various kinds on different levels have been held with a regular frequency, but according to Professor Richter - why the free democratic elections be such a difficult and troublesome feature of Pakistan's politics? Actually in Pakistan, elections are not held in its real sense. Elections are the test of performance, and the mass participation in elections legitimates the actions of government.

The Penetration Crisis

The third and important crisis in the development of Pakistan's political system is the penetration crisis. Due to the illegitimate governments and crisis of participation, there always exists a gap between the ruling elite and the masses. The penetration crisis involves the problems of government in reaching down to the society and affecting basic policies. In Pakistan the gap between the ruler and the ruled is still alarmingly wide.

To over come these problems, it is necessary to understand the myth of these three problems. It is only after solving these issues that Pakistan will be able to follow the road to democracy.

N O T E S

1. Ahmad, Mushtaq Pakistan at the cross roads (Karachi,Royal Book Company,1985) p.13
2. Ibid, p.14
3. Dawn, 21st June, 2001
4. Ibid
5. Burki; Shahid Javaid Pakistan Under the Military (eleven years of Zia), (Lahore, Progressive Publishers, 1992) p.69
6. Hussain, Mushahid Akmal Hussain Pakistan Problem of governance (Lahore, Van guard Books, 1993) p.84,85
7. Dawn, 7th August, 1990

8. Herald, October 1990
9. The News, 14th October, 1990
10. Weekly Zindaghi, 5th to 11th October 1990, p.28
11. Jang, 7th Aug, 1990
12. Abid Tihami, Whitepaper of Election 90 (Lahore Jang Publishers, 1991) p.130
13. Report General Election 1990, Part two, (Election Commission of Pakistan, Islamabad)
14. Frontier Post, 7th November, 1990
15. Jang, 29th July, 1991
16. Nation, 22nd Aug, 1991
17. Dawn, 6th May, 1992
18. Dawn 1st June, 1992
19. Jang, 2nd July, 1992
20. How an election was Stolen, PDA White Paper on Election 90
21. Jang, 12th October, 1992
22. Pakistan, 11th November, 1992
23. Nawa-e-Waqat, 23rd December, 1992
24. Lodhi, Maleeha and Zahid Hussain, "is Nawaz Sharif's Time Up", Newsline, March, 1993, pp27-33
25. Zafar Abbas, "The final showdown", Herald, March, 1993, pp 23-30
26. Jang, 28th Feb, 1993
27. Editorial, Weekly Takbeer, 22nd April 1993, pp2-5
28. Ayaz Amir, "Waiting for the storm", Herald, April, 1993, pp33-34
29. Ibid, pp34-35
30. Zafar Abbas, "Will Ishaq Spare Nawaz", Herald, April, 1993, pp21-25.

31. Jang, 18th April, 1993
32. See, speech of President Ghulam Ishaq Khan, Dawn, 19th April, 1993
33. Chief Justice Dr. Nasim Hasan Shah, Judgment on the Constitution. Role of Law and Martial Law (ed), Prof. M.A. Mannan, (Karachi, Oxford University Press, 1993) pp411-412 see also, PLD 1993, SC473.
34. Jang, 9th May, 1993
35. Mian Nawaz Sharif vs President of Pakistan and others. PLD1993, SC.473
36. The News, 28th May, 1993
37. Abbas, Zafar "Back to the Battle Front", Herald, June, 1993, pp25-31.
38. Dawn, 14th November, 1993.
39. Khan, Hamid Constitutional and Political History of Pakistan; (Karachi; Oxford University Press, 2002) PP 783-784
40. Dawn, 5th November, 1996.

Review Articles

Women in Islam: Diverse Experiences in Muslim and Western Societies

Tahmina Rashid

Brooks, Geraldine Nine Parts of Desire: The Hidden World of Islamic Women. New York: Anchor Books, 1995; *Paidar, Parvin* Women and the Political Process in Twentieth-century Iran. Cambridge: Cambridge University Press, 1995; *Kiddie, Nikki R. & Beth Baron (Ed.)* Women in Middle Eastern History: Shifting Boundaries in Sex and Gender. New Haven: Yale University Press, 1991; *Smith, Jane I.* Islam in America. New York: Columbia University Press, 1999.

Muslim Women have always fascinated the imaginations of western intellectuals, feminists and human rights advocates. They have either been portrayed as exotic and erotic belly dancers from the Middle East (Orientalists like Edward Said have discussed this portrayal in detail) or as silent victims of male oppression behind the veil or hidden in their house without any public space. In the last two decades, especially after the Iranian revolution and Taliban phenomenon in Afghanistan as well as post 9/11 scenarios there exists a resurgence of Islamic identity among Muslim communities and increased interest towards the Muslims by Western intellectuals and those who are interested in the subject. However, the western intellectuals have primarily focused on veil and male oppression while related issues are still in the background, and there is a lot of material available on Honor killings, Veil, polygamy and domestications of women in the Muslim world. At times it seems that if Veil is not the issue of male domination or as if patriarchy or social customs will wither away. There are voices within Islamic and outside world, which are looking at issues and demonstrate that the situation is quite complicated and varies amongst the Muslim communities. Such diversity needs to be analyzed on a case-by-case basis rather than taking Muslims as a homogenized community all over the world.

Nikki Keddie (editor) provides an interesting account of diverse themes and controversies and the absence of a uniform value system regarding the role and status of women in different communities.¹ This collection has historicized gender and stimulated a debate on gender relations in the Middle East. Its first part covers the beginning of Islamic

centuries to the 11th century, second part covers Egypt during the Mamluk period, third and fourth parts are case studies covering Turkey, Iran and the Arab World in the modern period. Various contributors differentiate patriarchal traditions from Islam and give a comprehensive view on the codification of gender relations and boundaries asserting the dynamics of class, which benefited many upper class urban women in different historical periods like "The Mamluk's period." They an analytical account of the interplay of Islam, politics and social evolution in Turkey, Iran, Algeria and Egypt. Many believe that (Leila Ahmad) the early interpretations and the misogyny of the Umayyad and Abbasid periods are primarily responsible for the deplorable position of women in Muslim countries.²

Erika Friedl uses a theoretical model to analyze the interaction between gender ideologies and material conditions replacing the public-private dichotomies with 'systems' that she prefers to call "spheres of action" to look into inconsistencies and social controversies.³ It touches the social and legal implications in the colonial period among some communities and traces the indigenous feminist movements in Islamic societies. Many share a common view with Brooks and Paidar that society and not the religion is the oppressor and comment on the diverse political, sociological and religious influences in these communities and trace the origins of many debatable issues in the pre-Islamic era. They discuss the stagnation of Islamic laws and its negative implications on women in particular which resulted in rigidifying gender-biased binaries.

Scholars of Orientalist paradigm also present an impression as if Western concepts of class, nationalism and gender are irrelevant for an understanding of the Muslim societies and States have especially focused on Middle Eastern politics. The emergence of Islamic fundamentalist movements and regimes in the 1970's and 1980's gave rise to a new paradigm that has been named as neo-Orientalism, although they share the same essentialist view of Islam. These new approaches identify Islam or capitalism/imperialism as the sole cause of women's oppression, treating gender equality as a Western discourse and placing women's oppression in the sphere of tradition. There is a general tendency to portray Muslim women as passive creatures, victims of imperialism, cultural invasion, political despotism, and patriarchy and class oppression. These gender-blind methodologies and inaccurate assumptions result either in ignoring or underestimating women's contributions to political and economic processes. Paidar calls for an approach to identify the underlying causes of change by taking cultural, social, economic, political, and historical factors into account.⁴ She asserts the need to analyze the specific social and economic forces

and processes that have shaped the ideological and policy discourses on women in the twentieth-century Iran. She combines the literature on gender and politics and the debates on nationalism and radical Islam in Iran. The text is well organized, with an introduction that analyses the historical trends in Middle Eastern women's studies and a conclusion that summarizes her main points.

Paidar situates her analytical framework within feminism and Middle Eastern women's studies. She maps the historical trends and demonstrates how the State, whether secular or religious sought to guard its authority over women, and retain the initiative over the issues that concern them. She opines that the State has ensured that the progressive women and their attempts to expand into the public sphere have to be carefully controlled so that women play a role within parameters as defined by the State. Paidar approaches the problems of women in the political process in the context of three broad themes or discourses; modernity, revolution and Islamization and the political, economic, and social implications on the position of women. She presents an innovative interpretation of modern Iranian history and makes linkages between gender and political processes in the specific case of Iran. She argues that "the position of women was central to the political discourses of twentieth-century Iran."⁵ Her argument that women are considered the bearers of the authenticity of cultural and social values and are crucial for defining and shaping the changes in any given society is relevant to Pakistan and many other Muslim societies in the region.⁶

While discussing the first discourse she defines modernity as a socio-political process, which won popular support and promised prosperity, social justice, technological progress, political freedom and national independence. It introduced the Iranians to Western ideas on democracy, socialism, freedom, and technological progress. The discourse on revolution reflected through the promises of modernity, but failed to provide social justice and freedom. It began with the rise of Reza Shah to power and during this period, modernity was equated with a strong centralized state, imitation of the West, secularization, economic development, and the emancipation of women. The debates revolved around cultural authenticity and imperialist culture. The role of women loomed large in the discussion of what constituted a true indigenous model versus western models.

The third discourse is Islamization - an effort to separate modernity from Western style culture, and relate it to a newly discovered Islamic identity. For Paidar, the discourse of Islamization started

sometime after Ayatullah Khomeini's ascendancy and continues to this day. As according to the author, the Iranian leader suspended laws relating to personal status that had been promulgated by the Shah: the age of marriage for girls was returned to nine; men's absolute right to divorce was reinstated; custody of children was given automatically to the father or paternal grandfather, and restrictions on polygamy were lifted. In the Islamist phase, women were construed as citizens with the special responsibility of transmitting values as mothers. However, there has been a conflict between the needs of Shi'ism as a religion and of the modernization of a Shi'ite state, in that the one requires an overwhelmingly familial role while the other needs some participation in communal and national affairs to meet the pressures of modernity, an incompatibility, which has produced disagreements among the Ulama. The Iranian new leadership however argues that it was after the Iranian Revolution that women were granted rights in its real terms, i.e., instead of presenting them as instruments of the Western culture.

Paidar asserts that all three phases of development of Iranian society have ultimately failed in delivering their promise of rights and opportunities for women despite their active socio-political role. As an Iranian feminist, she defines feminism as 'aiming to increase women's rights, opportunities and choices within any ideology or context.'⁷ Iran has many parallels with Pakistan, as in both States many reforms were introduced to improve the status of women like minimum age of marriage, regulations regarding divorce, polygamy, custody of children and inheritance, which restricted male patriarchal privileges. Like many Pakistani feminists, Paidar fails to distinguish between the fundamentalist and moderate voices within Islam as if they all share the same interpretation of Islam on all issues. She also treats Islam and patriarchy as synonymous as if patriarchy does not exist outside Islam.

Paidar rejects the view that Reza Shah was a modernizer who struggled against the odds to reform the society. She argues that he preserved fundamental aspects of patriarchy, left family relations in the hands of the clerics, who clung tenaciously to their prerogative, which created a lasting tension between the state and the Shi'ite establishment. She posits that legislation lagged far behind the changes taking place in urban society and both liberal and nationalist governments failed to take the initiative on women's rights. She rejects the existing binaries of the characterization of Islamic politics as authentic, and the secular opposition as Westernised, as both groups benefited from internal and external sources.⁸ The discourse of modernity faded as a transitional discourse of revolution emerged and changed the State along these lines. The policies brought an end to

independent women's activities, preserved patriarchal family, *Shariah* laws continued to be applied to family by the clergy, women were integrated into social life, veils were removed forcefully, the judiciary was secularized and women's participation in education and selective employment was encouraged.

In the Post Revolution Iran the rhetoric of Islamic way of life proved very appealing and many women voluntarily veiled as a rejection to Shah's policies. It was a rare occasion for many to actively participate in the rapidly changing political scenario, and gave them a sense of participation, assertion of identity and solidarity.⁹ This was not a reaction against modernity but a regime and women became 'the markers of the boundaries of the Islamic community and the makers of Islamic identity' and being the weaker section of society was targeted for suppression.¹⁰ Women were silenced and their role curtailed, even women organizations failed to provide a relief as they ignored to prioritize women issues and like WAF (Women Action Forum) in Pakistan failed to bring diverse groups under one banner.¹¹

Like other Muslim societies the struggle for raising women's status in Iran has gone through different stages and has acquired different meanings. None of the discourses on women were monolithic or fixed and kept on changing with regimes and had varied impact on women depending on their social class, ethnicity, place of residence and role in production. The diversity of women's affiliations and interests; and the interaction of local, regional, national, and international factors made it difficult to treat gender issues in Iranian politics with the commonly found analogies among social scientists. Paidar challenges the arguments that gender issues were marginalized in the mainstream Iranian studies, and explains existing misconceptions about the status and role of Iranian women. She maintains that the position of women has remained central to the political debates in the 20th century Iran.¹² She argues that the specific situation and development in various historical periods should be kept in mind while drawing such conclusions. One of the book's main strengths is the use of indigenous sources, (newspapers and magazines) and a thorough knowledge of feminist and development theories. However, a major weakness is author's knowledge of Islamic thought. For instance, she states that Sufism is only a branch of Shi'a Islam altogether ignoring other Sufi branches in Sunni Islam, like Qadaria, Chishtiya and Suharwardia. Some historical information is also overlooked, like some details of the descendents of the Holy Prophet (PBUH) is incorrect.¹³

Like scholars of Islam many Western intellectuals are now trying to look into the issues faced by the Muslim women by using qualitative research techniques of in-depth interviews and focus groups. Brooks work is a brilliant effort to look into female sexuality and its origins in the Muslim communities.¹⁴ She borrowed the name (Nine Parts of Desire: the Hidden World of Islamic Women) from a proclamation by the fourth Khalifa of Islam, Hazrat Ali, quoting that, 'God created desire in ten parts, then gave nine parts to women.' She has used this term to look into issues of restricted public role for women in Islamic World and the need for segregation and seclusion. She looks into the issues of seclusion, marriage, polygamy and sexuality and traces many things back to their origins in the pre-Islamic era as many of the prevailing customs are pre-Islamic and have no origin in Islam. She seems particularly interested in Iranian revolution and the way it had an impact on the public role and status of women. Although she has included a range of information from highly politicized Iran and Algeria to apolitical Saudi Arabia and moderate Muslim communities of Jordan. She has given a broad analysis of the resurgence of Islamic Identity and its implications for women in particular.

Brooks has compared the inter-religious approaches and attitudes surrounding the sexuality of women. She asserts that women bear the brunt of fending off social disorder in Muslim traditions as they are considered sexually active as against the Catholic traditions of Christianity where they are not considered sexually active. It is this notion of women's barely controllable lust that often plays a significant role behind justifications for clitoridectomy, seclusion and veiling. She asserts that Western societies should not look down upon Veil as a symbol of oppression as it can be very liberating offering more public space to Muslim women in many situations. She seems to have an intimate relationship with her research participants, which probably has prevented her from romanticizing or demonizing the traditions governing their lives. She concludes that women in these communities are hostages of local traditions and religion is not to be blamed for their oppression also advocating that America should consider gender based persecution reason enough to offer asylum to women from Muslim countries.

The presence of Muslims among Christian communities in many Western countries has become a major concern and has attracted the attention of a range of scholars. Although, Islam is not considered an established religion in America but recent changes and resurgence of religious identity have alarmed people in the West in general and intellectuals in particular. There is a growing need to understand the

diverse voices and rich mosaic of Islam and come to terms with the realities of hybrid and multiple identities in these societies.¹⁵ Like Brooks, Smith used qualitative and quantitative techniques to elaborate her years long work on Muslims in America. She has taken a position well entrenched in the interfaith dialogue and settings and gives a comprehensive view on the lives of Muslims also touching the significant issue of the history of Islam in America while tracing the origins of Islam in Arabia. She contextualized the history of Islam and voluntary and involuntary Muslim immigrants and converts in American society. She elaborates the tensions within Muslim communities owing to their diversity and various shades of Islam ranging from African, Indian, Arab and Hispanic origins and how these different experiences obscure a homogenous living experience among Muslims. She looks at the issues faced by Muslims, like raising children, the public role of women, religious guidance and leadership and assimilation in the wider American society. She mainly relies on the resources available from various Islamic organizations leaving out the lived experiences of non-affiliated Muslims.¹⁶ Smith gives a descriptive yet sympathetic perspective on the issues of gender relations like marriage and divorce along with relatively less known issues relating to food etc. She dispels many media stereotypes (Muslim fanaticism and terrorism) related to the images of Muslims and presents Muslims point of view in this regard. She explains the dilemmas faced by Muslims minority living in a different society trying to maintain their ethnic and religious identity and their unique experience in mosques, schools, and socio-political institutions. Such scholarly efforts highlights the need by scholars of Islam and Muslims to understand the viewpoints of Western intellectuals, which in turn will promote the forgotten traditions of tolerance and peaceful coexistence with communities outside Islam.

All the four books observes the main theme of a "Hidden Muslim Women" - its mystique placement in the society and the reformist movements to discover and explain the reality of the women in the Muslim societies or even where they are existing as a part of a minority community. However, one must be aware of the biases and misperceptions of the Western writers or those who received their information from the Western sources. A correct assessment of the Women in a Muslim society is the need of our time.

N O T E S

1. Kiddie, Nikki R. & Beth Baron (Ed.) *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*. (New Haven: Yale University Press, 1991)
2. Ibid, p.170.
3. Ibid, p. 212
4. Paidar, Parvin *Women and the Political Process in Twentieth-century Iran*. (Cambridge: Cambridge University Press, 1995)
5. Ibid, p. 356.
6. Ibid, p.211.
7. Ibid, p.xi
8. Ibid, p.167.
9. Ibid, p.216-220.
10. Ibid, p.232.
11. Ibid, p.256.
12. Ibid, p.356.
13. Ibid, p.30.
14. Brooks, Geraldine *Nine Parts of Desire: The Hidden World of Islamic Women*. (New York: Anchor Books, 1995)
15. Smith, Jane I. *Islam in America*. (New York: Columbia University Press, 1999) p.xvi.
16. Ibid, p.142-47, 135-36.

REVIEW ARTICLE

Rise of Extremism and Jihad in Afghanistan and Beyond

Muneeza Mirza

Matinuddin, Kamal, The Taliban Phenomenon, Afghanistan 1994-1997(Karachi: Oxford University Press, 2002); *Rashid, Ahmed, Taliban: Islam, Oil and the New Great Game in Central Asia* (London: I.B.Tauris & Co Ltd., 2000); *Esposito, John J, Unholy War: Terror in the Name of Islam* (Oxford: Oxford University Press, 2002)

Afghanistan, the war torn country, a hideout of terrorists, and a forgotten story has recently become the place the entire world is focusing on. In the recent few years it was because of the Taliban Movement - the emergence of the student militia, notorious for extreme primitive ideals especially regarding women and since 9/11 because of the terrorists' links to the country involved in the infamous attack on World Trade Center in the U.S. attracted an international response. The origin, beginning and rise of Taliban and the precarious situation in Afghanistan have been the topic of several books, articles and reviews. Ahmed Rashid, renowned author, journalist and an authority on Afghanistan observes that "since the end of the cold war no other political movement in the Islamic world has attracted as much attention as the Taliban in Afghanistan".¹

Afghanistan's modern history is characterized by war and conflict with a few intermittent periods of calm and peace. The Soviets started to interfere in the domestic affairs of the Afghan society, in the 1970's and invaded in country with brutal force in 1978/79. They came in to support the military coup of the communists. Barnett Rubin, the author of 'The fragmentation of Afghanistan' and 'The search for peace in Afghanistan' gives additional information about the event. He writes: "The Communists had a massive campaign of terror to eliminate groups that they thought were rivals, who included first of all, other factions of the educated elite. This is very important to keep in mind because this is a process that has been going on in Afghanistan from 1978 till today, i.e. one group after another eliminating more and more of Afghanistan's educated elite".² The Soviets were forced to leave after the combined success of the *Mujahideen* who indulged in a *Jihad* /freedom struggle against the invaders.

The literal meaning of *Jihad* is to struggle or strive. John L. Esposito, a respected researcher and prolific writer on Islam and Muslims in his famous book the 'Unholy War', printed after 9/11 explains the origin and the historical and religious importance of *Jihad*. According to the author, "*Jihad* as struggle pertains to the difficulty and complexity of living a good life: struggling against the evil in oneself in order to be virtuous and moral, making a serious effort to do good works and help to reform society. Depending on the circumstances in which one lives, it also can mean fighting injustice and oppression, spreading and defending Islam, and creating a just society through preaching, teaching and, if necessary, armed struggle or holy war."³ Moreover, *Jihad* can be violent or non-violent. It also means to wage a military struggle against an enemy and the *Mujahideen* are the people who are engaged in *Jihad*.

These *Mujahideen* in Afghanistan were backed by Pakistan, Saudi Arabia and the United States. It is assessed that "the Chinese were also part of it and four intelligence agencies met every week in Islamabad".⁴ After the departure of the Soviets under the Geneva Accords (1988) the *Mujahideen* left without a foreign enemy ended up fighting against each other and warlordism prevailed over the whole country. "Afghan *Jihad* was instrumental in the arming of all ethnic groups" and how "the negative side of Afghan character comes to the fore when an injury or an insult has to be avenged" was quite obvious in this time thus we find 45,000 people killed from 1992 till 1994.⁵ In fact, one of the drawbacks of the Geneva Accords was that it failed to provide for an interim or future set up of the Afghan government. From 1989 till 1994 there was a fierce civil war in the country where varied groups fought for dominance. Kamal Matinuddin, in his book 'The Taliban Phenomenon' wonders if the rise of the phenomenon of the Taliban in 1994 is a *bad-e-Naseem* (Fresh Breeze), that was to blow over the ashes left behind by the warlords or a *badeSimoon* (Hot Desert Wind) which was to sweep away whatever was left of the country.⁶

The Taliban are the students of religious schools. "*Talib* is an Arabic word, the literal meaning of which is one who is seeking something for himself. It is derived from the word *Talab*, meaning desire. In Urdu it is generally affixed with another word to clarify what is being sought ... hence the word *Talib-e-ilm* is a person in search of knowledge i.e., student. *Taliban* is the plural of *Talib*. In Pushto the word Taliban generally denotes students studying in *deeni madaris* (religious institutions)".⁷ Their ages varied from 15 to 50 - Mullah Umar is in early 40s; Wakil Ahmad, the foreign minister, in his early 30s, so he was barely 20 when the Soviets withdrew. They were a world apart from the

Mujahideen of the 1980's who had nostalgia of the past; these boys were a generation apart and who had never seen their country at peace. In fact the *Taliban* partly represent "a generational revolt" against the *Mujahideen*.⁸ And according to Ahmed Rashid only 'a handful of Taliban had fought the Soviet Red Army'.⁹ The ethnic origin of the *Taliban* is primarily Pashtuns with few Uzbeks and Tajiks. They are Sunnis of Hanafi *fiqh* and of Qadriya *silsila*.

Religious schools are an old practice in this part of the world, particularly in Central Asia, Afghanistan and India. They are responsible for the spiritual uplift of the people. When Soviets came to Afghanistan these schools moved to Pakistan, which in itself has a vast network of such seminaries. However their quality of education has degenerated since the times of pre partition India. From proper degree awarding schools they have been reduced to nameless certificates giving *madaris* - as a result, the education level suffered. *Talib* is a student and *mullah* is a person who has completed the education. They later on can become *imam*, *qari* or *khatib*. These Taliban was further divided into two kinds one for *jihad* and the other for studies.

Zia-ul-Haq, the then president and CMLA of Pakistan set up a string of such schools along Pak-Afghan border in order to help the *Mujahideen* in Afghanistan fighting against the Soviets and to strengthen his own constituency domestically. They later spread all over the country receiving grants from Saudi Arabia, Kuwait and other friendly Muslim countries and from the zakat fund of the government of Pakistan.¹⁰ These schools started giving combat and semi military training to the students. The most famous seminaries with reference to the Taliban are Dar ul uloom Haqqania and Dar ul uloomil Islammiyah. They are influenced by the militant Sunni Deobandi movement of Indo Pakistan, while Saudi support has brought them closer to Wahabism. The actions of the Taliban government is believed to have the influence of Pakistani seminaries and Saudi funding which apparently took place to counter, in the beginning, the influence of the left in Pakistan during the 1970's.¹¹

However, the exact origin of the Taliban is 'shrouded in mystery' and is even called the "mysterious army".¹² General Matinuddin maintains the idea that they were disgruntled talibs of religious schools. On the other hand, Ahmed Rashid agrees with the view that the immediate cause of the rise is as a reaction to the lawlessness of the country. "The traditionalists and the Islamists fought each other mercilessly so that by 1994...leaving the field free for a new wave of

even more extreme Islamists: the Taliban".¹³

In 1994 there was no government in Afghanistan and therefore no decision maker and at the same time nearly all the groups were armed with a recipe for disaster and chaos. This particular situation is described in an appropriate manner by Barnett Rubin as follows:

The Taliban come from southern Afghanistan ...in Kandahar the security situation was really terrible, that's where the warlordism was the worst. It's also where the *mujahideen* parties were the weakest because there are no Kandaharis whatsoever in the leadership of the mujahideen in Peshawar. This was always an issue during the war. There was always a clerical structure separate and more important from the mujahideen parties in that area. Some of the ulema who were organized around that Islamic court turned into the Taliban in order to try to attack the problem of warlordism and chaos. For Pakistan Hekmatyar wasn't delivering and they wanted to get a corridor to Central Asia. They were thinking Peshawar, Jalalabad, Kabul, Mazar-i-Sharif, Tashkent but that road was blocked by the civil war in Kabul. Hekmatyar was supposed to take over Kabul but that wasn't working. After Benazir Bhutto was elected, General Babar started thinking that maybe a stable government in Afghanistan would not be possible but there was another route: Quetta, Kandahar, Herat, Turkmenistan, and not only is that a road route, but there's a very logical gas project in that area which international companies will become interested in. It is the Dawlatabad gas field in Turkmenistan, which is very close to the Afghan border and could be easily connected through a pipeline to the Baluchistan gas fields in Pakistan and linked up to the Pakistan gas network (Pakistan needs energy very badly). That still is economically rational. So you had a convergence of interest in that region, which is where the Taliban were.¹⁴

The disenchantment with Rabbani started with the Islamabad Declaration (March, 1993) when Pakistan questioned the legitimacy of the government. The ensuing hatred between Ahmed Shah Masud and Rabbani's followers against Pakistan resulted in damaging not only Pakistani embassy in Kabul but also relations between the two countries. Masud disagreed with Pakistan's policy and felt that "the strategic direction of the war should be left with Afghans".¹⁵ Pakistan posed itself as a neutral but it actually supported the Taliban as it wanted a road link with the Central Asian Republics for the purposes of trade. Kamal Matinuddin believes that "Pakistan's policy of assisting the Taliban, however, was based more on anger they felt against Rabbani and Masud, who were instrumental in the sacking of the Pakistan embassy in Kabul, than genuine love for the Taliban whose

interpretation of the *shariah* Islamabad did not shared.¹⁶

Moreover, according to Ahmed Rashid "All those who gathered around Mullah Omar their leader were but deeply disillusioned with the factionalism and criminal activities of the once idealized *Mujahideen*".¹⁷ So Mullah Umar from Kandhar spread his message gathering a huge following because of his personality and ideals. It was a reaction against immorality and decadence in the Afghan society. "Talibans' declared aims restore peace, disarm population, enforce shariah law and defend the integrity and Islamic character of Afghanistan".¹⁸ Additionally, by calling themselves *talibs* they distanced themselves from *Mujahideen* and aimed at cleansing society rather than trying to grab power,¹⁹ it was a movement started in earnest for righteousness and justice. They believed that a man killed in *jihad* becomes a *shaheed* and goes to Heaven. This is the basis of their wholeheartedness for *wars/jihad*. Islam sanctions rebellion against an unjust ruler and jihad is 'mobilizing mechanism' for it.²⁰ Therefore, the Taliban, as they believed were following the spirit of Islam while fighting against the corrupt warlords. Nevertheless, they were too conservative in their approach and the other famous movements /philosophies of the Muslim world like Ikhwan-ul-Muslimeen, Jamat-i-Islami that they were supposedly following were relatively more forward-looking, flexible and liberal in their approach.²¹

Taliban had close links with the Pakistani Intelligence Agencies; Pakistan Army and non-governmental groups like JUI supported them.²² Ahmed Rashid clearly mentions the support of the Clinton administration²³ and 'solid' links with groups within Pakistan²⁴ and (US) went along with what the Pakistanis were doing.²⁵ No country other than Pakistan was willing to recognize them; Saudi Arabia and UAE recognized them later. They would not have survived so long without foreign assistance and at the same time their enemies notably the Northern Alliance also had foreign support but they could not gain a military success, so there must have been a number of traits that made them survive and succeed.

The moment they came to power they imposed their own brand of Islam. Their views and laws regarding women are especially notorious. Islamic principles diluted with their code of *Pushtunwali* and their local culture. Therefore, their views on the implementation of the *shariah* differed as well.²⁶ Every conceivable entertainment was banned.²⁷ The movement turned into a cruel brand not only for the women but also at times for the men as well. Their tribal thoughts and their half-baked education was the reason for the above mentioned

attitudes and behaviors. Matinuddin blames their semi educations as the cause of the fanaticism of the Taliban, especially regarding women. He calls their interpretation binding "the student to ritual rather than to the spirit of Islam". Nevertheless, the elucidation is not that explanatory. According to Rashid, they were "the orphans of the war"²⁸ and they were brought up under an all male system or a strict segregated system so they had no contact with women. Therefore, whatever the *mullahs* told them they accepted it and the strict system enforced by the Taliban for women in the conquered areas was not strange for them. "They felt threatened by them"²⁹ (women) and their subjugation became their mission differentiating them from the *Mujahideen*. This treatment got adverse publicity. Emma Bonino, the European commissioner for humanitarian affairs was arrested in 1997³⁰ - thus the western enthusiasms declined to assist the Taliban and when their leadership Taliban forcibly removed all the women from their jobs and their schools were closed. The UN, Human Rights Activists and NGOs protested, particularly when these oppressive policies were implemented in Kabul, it received a lot of International attention. That led to the growth of this protest movement (for instance, the American feminist opposition to the Taliban, which is an important constituency for the Democrats, more so probably than Unocal).³¹

The relations with the Taliban were frozen and were going downhill at that point. Madeleine Albright had already gone to Pakistan and called the Taliban "despicable" on the front steps of the Pakistan Foreign Ministry while standing right next to Pakistan's Foreign Minister Gohar Ayub, who had said how wonderful the Taliban were and had gone to Mazar-i-Sharif to recognize them.³²

The Taliban were a military sensation in a country famous for its inhospitable rugged terrain. "The Taliban obtained their first military hardware from a well wisher who opened his armory for Mullah Omar" (their leader).³³ They managed successful conquests because of their tactics of "deception and surprise." The capture of Kandhar, advance towards Kabul, counterattack on Ghazni, capture of Maidan Sheher, Charasyab, Herat, Ghor, Khost, and finally the fall of Kabul proves it. The Taliban again gained strength with victories in Jalabad, Sarobi, Panjsher, Kabul, and Mazar-i-Sharif. The opponents of the Taliban accuse them of promoting the drug problem in the area. It was their source of income despite agreements with foreign agencies to stop it, and Pakistan became a "major transport route"³⁴ for drugs/heroin.

After the advent of the Taliban, Kamal maintains that although the religious views of Taliban were unacceptable to the US but since they controlled two third of the area, if the country they could not "wish them away". Taliban were also important in the sense that they restored peace and exerted authority.

The neighboring countries of Central Asia like Turkmenistan, Uzbekistan, Tajikistan and the others have common ethnic groups in their countries and their economic interests. Iran has also expressed its concerns with the Afghans mainly within the context of Shia-Sunni sectarian relationship. It felt left out after 1989 and even later. "The erstwhile Soviet leaders followed a deliberate policy of enlarging their perimeter of security by creating client states in their neighbor hood"³⁵ they had interests in the warring groups. The Taliban success sent "shock waves" right up to Moscow. Russia still considers Afghanistan as its "strategic backyard".

The UN efforts in Afghanistan have been numerous if not successful. The five point formula, visit of the Secretary general Boutros Boutros Ghali; the efforts of Mahmood Miestri (Special Representative of the Secretary General) in reconciling various factions are on record, unfortunately he could not make Taliban agree to a formula. US continued to support Mahmood Miestri's efforts. However, his efforts continued to fail and he eventually resigned in 1996 and Norbet Holl was appointed after him. However, he felt that "nobody was willing to compromise" Lakhdar Brahimi was later appointed as a special representative of the UN Secretary General.

The Taliban phenomenon encouraged a similar variety of fanaticism in Pakistan. The Pakistani establishment's involvement came to haunt the whole society. ATT (Afghan Transit Trade) became a racket and harmfully affected the Pakistani people. Pakistan was the most damaged victim of that trade.³⁶ Furthermore, it resulted in the *talibinisation* of the *mullahs*/religious clergy. Pakistan's Afghan policy was based on false assumptions for a very long time initially the thought that Afghan factions will oust Najibullah, and will eventually form a stable government, which didn't happen. Later it was thought that the *mujahiden* will always be indebted to Pakistan, and it did not turn out that way either. Finally, the Pakistan government assumed complete success of Taliban and the access to Central Asian Republics. Unfortunately, that also did not happen. And on top of that Pakistan's society suffered from drug and Kalashnikov cultures and expressed stakes in the territorial integrity and political stability of Afghanistan. General Matinuddin points out that putting all eggs in one basket has not

been a sound policy for Pakistan. Their strengths are namely justice, simplicity, and reservoir of *talibs*, weapon sophistication, and "moral support" from Pakistan and Saudi Arabia. Their weaknesses are lack of military expertise, Sunni dominance among other things. Taliban refused to define the Afghan State and made no plans for that either.³⁷ The West viewed them as "uncivilized, intolerant and trigger happy and unmindful of internationally accepted norms"³⁸

There is a connection between Taliban, Osama bin Laden and terrorism. The Religious orientation of Taliban and Osama was the same both are extremist. What is more, the affluence and wealth of Osama combined to result in the subsequent terrorism. Osama's world view was shaped both by Saudi Arabia's deeply conservative Wahhabi interpretation of Islam and the revolutionary Islam that began to spread in the 1970's. The Wahhabi religious vision is named after Muhammad ibn Abd al Wahab, Saudi government is a strict follower of that philosophy. It's a strict and puritanical Islam that only follows Quran, Sunnah and the Unity of God. The Wahhabi denounces others and any thing they consider un-Islamic is *kufir* and must be countered by war or jihad it was not only permissible but also required.³⁹ Dr. Abdullah Azam (an advocate of global militant *jihad*) and Dr. Muhammad Qutb, (brother of Syed Qutb) were two of Osama's teachers'. Syed Qutb is widely acknowledged as the father of militant *jihad*.⁴⁰ Osama was one the first people to rush for jihad against Soviets and was applauded by everyone for that. He became radical or anti-American after the US presence in the Saudi Peninsula and the Gulf War of 1991. He came back to Afghanistan in 1996 after leaving it in 1992. Osama bin Laden found it a comfortable sanctuary and practical base for operations. In 1996 he "issued a declaration of *jihad* whose goals were to drive US forces out of the Arabian Peninsula, overthrow of the Saudi government, and liberate Islam's Holy sites of Makkah and Medina, as well as support the revolutionary groups around the world." Again in year 2000 he issued a fatwa stating that is the duty of Muslims to kill US citizens and their allies.⁴¹ He believes that Muslims and Islam are under siege in Palestine, Chechnya, Kashmir and Iraq and he justifies the 9/11 attack as they are the icons of their military and economic power. He also has worries regarding 'greater Israel'. He considers that charges of terrorism as hollow. It is a world of belief and unbelief and he distinguishes between "commendable" and "reprehensible" terrorism.⁴²

The Taliban were reputed for their military strength, which was the reason for their dominance in a rugged terrain which gave the two huge Empires of the British and Soviet Union an embarrassing defeat.

So how come that same army which had controls over 90% of the country fell like a house of cards?⁴³ There might not be an instance where a fighting force surrendered in a manner that it was armed to teeth with their tanks, jeeps rocket launchers-and last but not least with the smiling faces.⁴⁴

Was it because of the poor organization of the militia or was it the supremacy of the enemy-USA and the allies? Nevertheless, the way they surrendered proved that their military superiority was over stated.⁴⁵ The US air force was ruthless in its carpet bombing and literally proceeded to 'smoke out the enemy'. However, despite the apparent US victory they have not been able to catch mullah Omar and bin Laden. The rise and fall has been rapid and quick, and the repercussions of its rise as well as fall have been felt by the neighboring countries especially Pakistan. This resulted in the *Talibinasation* of the army and ulema in Pakistan among other things. And collapse of Taliban because of US actions has resulted in a reactionary election result in the western provinces of Baluchistan and NWFP, which has created a hung and confrontational parliament in the country after three years of military rule. For the world at large this phenomena provided a haven for people like bin Laden and the secrecy surrounding them and their leaders let extremism and terrorism develop in this area, which in turn has 'changed' the world and global politics.

NOTES

1. Rashid, Ahmed *Taliban: Islam, oil and the New Great Game in Central Asia*. (London: I. B. Tauris & Co Ltd., 2000) p. 5.
2. Barnett, Rubin *The Fragmentation of Afghanistan* (New Haven: Yale University Press, 1995) and *The Search for Peace in Afghanistan* (New Haven: Yale University Press, 1995). Professor Rubin was formerly the Director of the Center for Preventive Action at the Council on Foreign Relations and is now Director of Studies at New York University's Center on International Cooperation - In an interview with *Asia Source*, Dec, 11, 2002.; http://www.asiasource.org/news/special_reports/rubin.cfm
3. Esposito, John I. *Unholy War: Terror in the Name of Islam* (New York: Oxford University Press, 2002) pp. 27-28.
4. Barnett, op. cit.
5. Matinuddin, Kamal, *The Taliban Phenomenon: Afghanistan 1994-1997*. (Karachi: Oxford University Press 2002) p 7-9.

6. Matinuddin, op. cit. p. 10.
7. Ibid. p. 12.
8. Barnet, op. cit.
9. Rashid, op. cit. P. 1.
10. Matinuddin, op. cit. p. 14.
11. Esposito, op. cit. p. 109.
12. Matinuddin, op. cit. p. 21.
13. Rashid, op. cit. p. 19.
14. Barnet, op. cit.
15. Rashid, op. cit. p. 51.
16. Matinuddin, op. cit. p. 133.
17. Rashid, op. cit. p. 23.
18. Ibid. p. 22.
19. Ibid. p. 23.
20. Ibid. p. 87.
21. Ibid. p. 86.
22. Ibid. p. 26.
23. Ibid. p. 46.
24. Ibid. p. 92.
25. Barnet, op. cit.
26. Matinuddin, op. cit. p. 34.
27. Rashid, op. cit. p. 115.
28. Ibid. p. 32.
29. Ibid. p. 33.
30. Ibid. p. 65.

31. Barnet, op. cit.
32. Ibid.
33. Matinuddin, op. cit. p. 49.
34. Rashid, op. cit. p. 122.
35. Matinuddin, op. cit. p. 175.
36. Rashid, op. cit. p. 191.
37. Ibid. p. 212.
38. Matinuddin, op. cit. p. 227.
39. Esposito, op. cit. p. 6.
40. Ibid. p. 8.
41. Ibid. pp. 20-22
42. Ibid. pp. 22-24
43. Hasnat, S. Farooq, "Taliban A House of Cards?" Weekly Independent; Nov 29-Dec 5, 2001.
44. Ibid.
45. Ibid.

Text of Almaty Declaration June 04, 2002

ALMATY: Following is the text of Almaty declaration adopted at the first summit of the Conference on Interaction and Confidence-Building measures in Asia.

Almaty Act

Preamble: We, the Heads of State or Government of the Member States of the Conference on Interaction and Confidence Building Measures in Asia (CICA), Having met in Almaty at a time of profound changes which are taking place in Asia and the world to set up our vision of security in Asia and enhance our capabilities for cooperation on issues of common concern for our peoples; Recognising the close link between peace, security and stability in Asia and in the rest of the world; Committing ourselves to working to ensure peace and security in Asia and making it a region open to dialogue and cooperation,

Believing that the CICA process presents new opportunities for cooperation, peace and security in Asia, declaring our determination to form in Asia a common and indivisible area of security, where all states peacefully co-exist, and their peoples live in conditions of peace, freedom and prosperity, and confident that peace, security and development complement, sustain and reinforce each other, reaffirming our commitment to the UN Charter, as well as to the Declaration on the Principles Guiding Relations Among CICA Member States, which is an integral part of the Almaty Act, as the basis for our future cooperation, considering that all aspects of comprehensive security in Asia, including its political and military aspects, confidence-building measures, economic and environmental issues, humanitarian and cultural cooperation, are interdependent and interrelated and should be pursued actively, confidence that full, equal and comprehensive implementation and observance of the principles, provisions and commitments enshrined in the Almaty Act will create the conditions for advanced cooperation among the CICA member states and will guide us towards a better future, which our peoples deserve; have adopted the following:

I-Security and cooperation

1. The main objective and thrust of the CICA will be to enhance cooperation through elaborating multilateral approaches towards promoting peace, security and stability in Asia.

2. In order to achieve this objective, the member states will take the necessary steps to develop the CICA as a forum for dialogue, consultations and adoption of decisions and measures on the basis of consensus on security issues in Asia.
3. We call upon and continue to encourage all member States who are parties to a dispute to settle this peacefully in conformity with the principals envisaged in the UN Charter.
4. Recognising the contribution which increased trade and economic cooperation can make for the prosperity and stability in Asia and to the well-being of their peoples, we will make further efforts to promote initiatives in these fields, as mentioned in the Declaration on the Principals Guiding Relations among the CICA Member States. We also recognise the need for better cooperation on all issues which constitute risks to the environment.
5. The member states reiterate their belief that protection of human rights and fundamental freedoms in accordance with the UN Charter and the international conventions and instruments to which they are parties contributes to the consolidation of peace, security and stability in Asia. They also declared their readiness to further their cooperation in this field in a spirit of friendliness.
6. We consider that humanitarian issues, such as natural disasters and refugee flows, are areas of common concern since they also affect stability and security in the region. The member states are resolved to developing measures, where necessary, to address these issues through cooperation in the region as well as with the UN and other relevant international organisations.
7. We believe that enhancing mutual respect, mutual understanding and tolerance in the relations among civilisations is an important goal for our times. Noting with satisfaction the designation of the first year of the millennium as the year of Dialogue among Civilisations, we shall encourage and strengthen this process.
8. We consider globalisation as a challenge of our time. While it could offer certain opportunities for growth and development, at present the benefits of globalisation are unevenly shared among the nations and much remains to be done to ensure that its benefits be comprehensively and equitably distributed at the global level.
9. Joint actions and co-ordinated responses are necessary to deal with

challenges and threats that our states and peoples are faced with.

II-Challenges to security

10. The member states seek to promote regional and international security and stability, which will also contribute to peaceful settlement of existing and prevention of the emergence of new crisis situations and disputes.
11. The continuing existence and proliferation in all its aspects of nuclear weapons, as well as chemical and biological weapons, pose a great threat to all humanity. The member states pledge to support the efforts for the global elimination of all weapons of mass destruction (WMD) and therefore they commit themselves to an increased co-operation for the prevention of proliferation of all such weapons, including nuclear weapons, which constitute a particular danger to international peace and security.
12. With the end of the Cold War, the opportunity now exists for the international community to pursue nuclear disarmament as a matter of the highest priority. We shall encourage all nations to keep all options open for achieving this aim, including the possibilities of convening an international conference to identify ways of eliminating nuclear dangers and negotiating a comprehensive and verifiable nuclear weapons convention. We affirm the importance of the early realisation of the universal adherence to the multilaterally negotiated instruments on the elimination of WMD, and urge those states not yet party to these instruments to accede to them as soon as possible.
13. We support the establishment of zones free from nuclear weapons and other WMD in Asia on the basis of arrangements freely arrived at among the states of the region concerned. The establishment of such zones in regions for which consensus resolutions of the Un General Assembly exist, such as the Middle East and Central Asia, should be encouraged; in this context, we invite adherence to internationally negotiated disarmament and non-proliferation instruments in accordance with all the provisions of the relevant consensus resolutions of the UN and the positions of states concerned on the implementation of these resolutions.
14. The member states reaffirm their belief in the need of ensuring security at the lowest level of armament and military forces. We recognise the necessity to curb excessive and destabilising

accumulation of conventional armaments. We emphasise the importance of the maintenance of the international strategic stability to world peace and security and to the continued progress of arms control and disarmament. We emphasise the importance of multilateral negotiations on the prevention of an arms race in outer space.

15. We believe that direct or indirect threat or use of force in violation of the UN Charter and international law against the sovereignty, territorial integrity and political independence of the states, denial of the right to self-determination of peoples which remain under foreign occupation (a right which has to be exercised in accordance with the UN Charter and international law); interference in the internal affairs of states and offensive strategic doctrines pose threats to regional and international peace.
16. The member states unconditionally and unequivocally condemn terrorism in all its forms and manifestations as well as any support or acquiescence to it and the failure to directly condemn it. The threat posed by terrorism has been increasingly growing over the last decade. Terrorism in all its forms is a trans-national threat, which endangers the lives of individuals and peoples undermines the territorial integrity, unity, sovereignty and security of states. The menace of terrorism has been magnified by its close links with drug trafficking, illicit trafficking of small arms and light weapons (SALWs) and their transfers in any form to terrorist groups, racist ideologies, separatism, all forms of extremism which present basic sources of financing and providing manpower for terrorist activities. We regard as criminal all acts, methods and practices of terrorism and declare our determination to cooperate on bilateral as well as multilateral basis to combat terrorism including its possible sources. In order to eradicate this menace to peace and security, we shall reinforce and unite our efforts in order not to allow terrorism in any form to be prepared, assisted, launched and financed from the territory of any state and we shall refuse to provide terrorists with safe haven and protection.
17. We recognise that implementation of the UN Conventions will contribute to tackling the problems of terrorism and support the elaboration of a comprehensive convention on international terrorism.
18. Separatism is one of the main threats and challenges to the security and stability sovereignty, unity and territorial integrity of states. The

member states shall not support on the territory of another member state any separatist movement and entities, and, if such emerge, not to establish political, economic and other kinds of relations with them, not to allow the territories and communications of the member states to be used by the above-mentioned movements and entities, and not to render them any kind of economic, financial and other assistance. We reaffirm the right of people living under foreign occupation for self-determination in accordance with the UN Charter and international law.

19. We reject the use of religion as a pretext by terrorists and separatist movements and groups to achieve their objectives. We also reject all forms of extremism and will work to promote tolerance among our nations and peoples.
20. Illicit drug trafficking represents a major threat to internal and international stability and security of our states and our continent as a whole as well as to the well-being of our peoples. This problem is closely linked with the socio-economic and political situation in several regions, terrorist activities across the world, and international criminal groups engaged in trans-national crime, money laundering and illicit SALW trafficking. We recognise that there are several states in Asia which require priority attention and assistance by the international community in order to combat drug trafficking. We also recognise the need for effective strategies to reduce production, supply and demand for drugs. In this respect, we will cooperate to monitor suspicious financial flows, including issues related to incomes and transparency of bank operations in accordance with the existing international legal instruments, and transparency of bank operations in accordance with the existing international legal instruments, and to identify the sources of production, consumption and trafficking of drugs. In order to assist the practical implementation of these tasks, multinational training courses and exercises as well as exchange of information among the competent authorities of the member states will be promoted. We also call upon major consuming countries to play a more active role in providing equipment, training and educational courses, rehabilitation, technical and financial assistance to Asian drug producing and transit countries. Adoption and implementation of crop substitution plans and alternative development strategies in drug producing regions in Asia should also be encouraged to tackle the menace of illicit drugs more effectively.
21. We also recognise corruption as a trans-national crime which calls

for concerted multilateral action. In this regard, we emphasise the need for banning the transfer of illicit funds and wealth and also the need for enhanced international cooperation in tracing and repatriating such assets.

22. The member states recognise that illicit traffic in small arms and light weapons poses a threat to peace and security and is directly linked with terrorist activity, separatist movements, drug trafficking and armed conflicts. In this context, we underline the importance of the Firearms Protocol reached in the framework of the UN Convention against Trans-national Organised Crime and the Programme of Action adopted by the Un Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspect which was held in New York in July 2001.
23. We are determined to cooperate with each other on bilateral and multilateral basis to prevent such threats to peace and security in Asia.

III-Confidence Building Measures

24. In the context of achieving CICA objectives, we will take the necessary steps for the elaboration and implementation of measures aimed at enhancing cooperation and creating an atmosphere of peace, confidence and friendship. Such measures should be in accordance with the principles of the UN charter, CICA, and international law. In doing so, we will take into account specific features and characteristics in various regions in Asia and proceed on a gradual and voluntary basis.
25. We encourage all states in the region having disputes to make efforts to solve their disputes peacefully through negotiations in accordance with the principles enshrined in the UN Charter and international law. We recognise that the resolution of territorial and other disputes and implementation of arms control agreements may, depending upon specific situations, facilitate implementation of confidence building measures (CBMs), on the other hand, we also recognise that implementation of CBMs may, depending upon specific situations, facilitate, or create a conducive climate for the resolution of disputes and arms control agreements.
26. We recognise that disarmament and arms control, universality of all internationally negotiated instruments on the elimination of weapons of mass destruction, promoting non-proliferation, have a

significant role in enhancing confidence building among regional states. We affirm that being a state party to the relevant internationally negotiated instruments should not be interpreted as affecting the inalienable right of all parties to those treaties to develop research, production and use of nuclear technology, chemical and biological materials and equipment for peaceful purpose in accordance with the provisions of these instruments. We reiterate the importance of negative security assurance to the non-nuclear-weapon states and express our readiness to consider further steps on this subject which could take the form of an internationally legally binding instrument.

27. The member states will prepare with mutual agreement a 'CICA Catalogue of Confidence Building Measures' and proceed on a gradual basis for its implementation. The Catalogue, which will be regularly reviewed and further developed, may include, among others, measures in the military political, economic and environmental, humanitarian and cultural spheres.

IV-Structure and institutions of CICA

28. In order to facilitate its efficient functioning, we have decided to provide for CICA the necessary structure and institutions, consisting mainly of the following:
 - 1 Regular meetings
29. The meetings of the heads of state or government will be convened every four years in order to conduct consultations, review the progress of, and set priorities for CICA activities. Special meetings may be convened as necessary by consensus. Summit meetings will be preceded by meetings of the Ministers of Foreign Affairs.
30. The Ministers of Foreign Affairs will meet every two years. Their meetings will be the central forum for consultations and examination of all issues related to CICA activities. Special meetings may be convened as necessary by consensus.
31. The Committee of Senior Officials will meet at least once a year to follow-up on previous CICA decisions, carry out consultations on the current CICA issues, oversee the work of special working groups and coordinate the work of other meetings.

The committee will also make the necessary preparations for the

organisation of the summit and ministerial meetings. Including elaboration of draft documents.

32. Special working groups will be established to study specific issues relevant to CICA's areas of interest and to carry out the tasks mandated to them. They will submit the results of their work to the committee of senior officials.

2 Specialized meetings

33. The member state may agree to convene meetings of other ministers or of the competent national agencies and institutions in order to discuss issues of a specific and/or technical nature.

3 Academic and professional inputs

34. Opportunities will be provided as necessary for academic and professional inputs and reports, as well as assistance and contributions to publications which CICA may decide to produce.

4 Secretariat

35. In Order to provide follow-up and administrative support for regular meetings and political consultations and other activities mentioned in the Almaty Act, we support the establishment of a Secretariat of the CICA. We task our ministers of foreign affairs to finalise the elaboration of all aspects related to the establishment of the Secretariat.

The 16 signatories are Afghanistan, Azerbaijan, China, Egypt, India, Iran, Israel, Kazakhstan, Kyrgyzstan, Mongolia, Pakistan, Palestine, Russia, Tajikistan, Turkey and Uzbekistan.

Text of Legal Framework Order, 2002

ISLAMABAD, Aug 21: The Chief Executive Wednesday issued Legal Framework Order 2002 amending constitutional provisions for smooth and orderly transition. The following is the text of the order: Chief Executive's order no. of 2002
Legal Framework Order, 2002
(Gazette of Pakistan, Extraordinary, August, 2002)

The following Order made by the Chief Executive is hereby published for general information:-

WHEREAS general elections to the National Assembly and the Provincial Assemblies are scheduled to be held on October 10, 2002, and to the Senate on November 12, 2002;

AND WHEREAS it is necessary to provide for a smooth and orderly transition;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, read with the Provisional Constitution Order No. 1 of 1999, and in pursuance of the powers vested in him by and under the judgment of the Supreme Court of Pakistan, dated the 12th May, 2000, and in exercise of all the powers enabling him in that behalf, to revive the Constitution with the amendments made herein, the Chief Executive of the Islamic Republic of Pakistan is pleased to make the following Order:-

1. Short title and commencement.-

(1) This Order may be called the Legal Framework Order, 2002.

(2) It shall come into force at once. 2. First meetings of National Assembly, Senate and Provincial Assemblies.

(1) The first meeting of the National Assembly shall be held on a day to be specified by the President for the election of the Speaker and Deputy Speaker, the members of the Senate from the Federal Capital, and for the transaction of such other business as the President may specify.

(2) The National Assembly shall meet on a day to be specified by the President to ascertain which one of the members of the Assembly commands the confidence of the majority of the members for the purposes of clause (2A) of Article 91 of the Constitution and the President shall invite such member to be the Prime Minister Senate and

for the transaction of such other business as the President specify.

(4) Every Provincial Assembly shall meet on a day to be specified by the President to ascertain which one of the members of the Assembly commands the confidence of the majority of the members for the purposes of clause (2A) of Article 130 of the Constitution and the Governor shall invite such member to be the Chief Minister.

(5) The first meeting of the Senate shall be held on a day to be specified by the President for the election of the Chairman and Deputy Chairman and for the transaction of such other business as the President may specify.

3. Amendment of the Constitution and removal of difficulties.-

(1) The Constitution of the Islamic Republic of Pakistan, 1973, referred to in this Order as the Constitution, is hereby amended to the extent and in the manner specified in column (3) of the Schedule.

(2) If there is any necessity for any further amendment of the Constitution or any difficulty arises in giving effect to any of the provisions of this Order, the Chief Executive may make such provisions and pass or promulgate such orders for amending the Constitution or for removing any difficulty as he may deem fit.

(3) The validity of any provision made, or orders passed, under clauses (1) and (2) shall not be called in question in any court on any ground whatsoever.

(4) Revival of Constitution of 1973:- The provisions of the Constitution, as amended by this Order and by such other Orders as may be promulgated hereinafter, shall stand revived on such day as the Chief Executive may, by notification in the official Gazette, appoint; and different days may be so appointed in respect of different provisions.

(5) Order to override other laws.- The provisions of this Order shall have effect notwithstanding anything contained in the Constitution or any other Order or law for the time being in force.

The Schedule

(See Article 3)

Serial Article/ Amendments made

No. Chapter

(1)(2)(3)

1. 17. (1) In clause (2):-

(a) after the words "integrity of Pakistan", occurring twice, the words "or public order" shall be inserted; and

(b) for the full stop at the end a colon shall be substituted and there after the following proviso shall be added, namely:-

"Provided that no political party shall promote sectarian, ethnic, regional hatred or animosity, or be titled or constituted as a militant group or section." and

(2) after clause (3), the following new clause shall be added, namely:-

"(4) Every political party shall, subject to law, hold intra-party elections to elect its office-bearers and party leaders."

2. 41. For clause (7) the following shall be substituted, namely:-

"(7) The Chief Executive of the Islamic Republic of Pakistan-

(a) shall relinquish the office of Chief Executive on such day as he may determine in accordance with the judgment of the Supreme Court of Pakistan of the 12th May, 2000; and

(b) having received the democratic mandate to serve the nation as President of Pakistan for a period of five years shall, on relinquishing the office of the Chief Executive, Notwithstanding anything contained in this Article or Article 43 or any other provision of the Constitution or any other law for the time being in force, assume the office of President of Pakistan forthwith and shall hold office for a term of five years under the Constitution, and Article 44 and other provisions of the Constitution shall apply accordingly."

3. 51. (1) For clause (1) the following shall be substituted, namely:-

"(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.

(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under-

	General	Women	Total
Balochistan	14	3	17
NWFP	35	8	43
The Punjab	148	35	183
Sind	61	14	75
Fata	12	-	12
Federal Capital	2	-	-
Total	272	60	332

(2) in clause (2), in paragraph (b), for the word "twenty-one" the word "eighteen" shall be substituted;

(3) for clause (2A) the following clause shall be substituted, namely:-

"(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims."; (4) for clause (4) the following shall be substituted, namely:-

"(4) For the purpose of election to the National Assembly,-

(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;

(b) each Province shall be a single constituency for all

(c) the constituency for all seats reserved for non-Muslims shall be the whole country;

(d) members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly;

(e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties lists of candidates on the basis of total number of general

seats won by each political party in the National Assembly;

Provided that a political party securing less than five per centum of the total number of seats in the National Assembly shall not be entitled to any seat reserved for women or non-Muslims."; and

(5) Clauses (4) to (6) shall be omitted.

4. 58. In clause (2), after paragraph (a), the following new paragraph shall be added, namely:-

"(b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary."

5. 59. (1) For clause (1) the following shall be substituted, namely:-

(a) fourteen shall be elected by the members of each Provincial Assembly;

(b) eight shall be elected by direct and free vote from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;

(c) two on general seats, and one woman and one technocrat including Aalim shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;

(d) four women shall be elected by the members of each Provincial Assembly;

(e) four technocrats including Ulema shall be elected by the members of each Provincial Assembly."; and

(2) In clause (3),-

(a) for paragraph (c) the following shall be substituted, namely:-

"(c) of the members referred to in paragraph (c) of the aforesaid clause,-

(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years, and

(ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;"; and

(b) for paragraph (d) the following shall be substituted, namely:-

"(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the three years and two shall retire after the expiration of the next three years; and

(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years:".

6. 62. For clause (b) the following shall be substituted, namely:-

"(b) he is, in the case of the National Assembly, not less than twenty -five years of age and is enrolled as a voter in any electoral roll in-

(i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and

(ii) any area in a Province from which he seeks membership for election to a seat reserved for women."

7. 63. (1) In clause (1):-

(a) for paragraphs (h), (i) and (j) the following shall be substituted, namely:-

"(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or"; and

(b) for paragraph (p) the following shall be substituted, namely:-

"(p) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or

(q) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers.";

(2) for clause (2) the following shall be substituted, namely:-

"(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from raising of such question refer the question to the Chief Election Commissioner."; and

(3) after clause (2), substituted as aforesaid, the following new clause shall be added, namely:-

"(3) Where a question is referred to the Chief Election Commissioner under clause (2), he shall lay such question before the Election Commission which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner."

8. 63A. For Article 63A the following shall be substituted, namely:-

"63A. Disqualification on grounds of defection, etc. (1) If a member of a Parliamentary Party composed of a single political party in a House-

(a) resigns from membership of his political party or joins another Parliamentary Party; or

(b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relations to-

(i) election of the Prime Minister or the Chief Minister; or

(ii) a vote of confidence or a vote of no-confidence; or

(iii) a Money Bill;

he may be declared in writing by the Head of the Parliamentary Party to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned:

Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.

(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.

(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

(7) For the purpose of this Article,

(a) "House" means the National Assembly or the Senate in relation to the Federation and a Provincial Assembly in relation to the Province, as the case may be.

(b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.

9 70. (1) In clause (2) for the words "considered in a joint

sitting" the words and figure "referred to a Mediation Committee constituted under Article 71 for consideration and resolution thereon" shall be substituted; and

(2) for clause (3) the following shall be substituted, namely:-

(3) Where a Bill is referred to the Mediation Committee under clause (2), the Mediation Committee shall, within ninety days, formulate an agreed Bill which is likely to be passed by both Houses of the Majlis-e-Shoora (Parliament) and place the agreed Bill separately before each House and if both the Houses pass the Bill, it shall be presented to the President for assent.

10. Part III. After Article 70, amended as aforesaid the following

Chapter 2. new Article Chapter 2 shall be added namely:

71. Mediation Committee. (1) Both Houses of Majlis-e-Shoora (Parliament) shall, within fifteen days from the date of referral of the Bill by the House in which it was originated for consideration and resolution by the Mediation Committee under clause (2) of Article 70 nominate eight members each as members of a Mediation Committee.

(2) The House in which the Bill was originated shall nominate a member of the Mediation Committee as Chairman of the Committee and the other House shall nominate a member as the Vice-Chairman thereof.

(3) All decisions of the Mediation Committee shall be made by a majority of the total number of members of each House in the Committee.

(4) The President may, in consultation with the Speaker of the National Assembly and Chairman of the Senate, make rules for conduct of business of the Mediation Committee.

11. 73. For clause (1) the following shall be substituted, namely:-

(1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly.

Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate, which may, within seven days, make recommendations thereon to the National Assembly.

(1A) The National Assembly shall, consider the recommendations of the Senate and after the Bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.

12. 75. In clause (2).

(a) the words "in joint sitting" shall be omitted; and

(b) for the words and comma "by the votes of the majority of the members of the both Houses present and voting," the words, figure and comma "in accordance with Article 70," shall be substituted.

13. 101 In clause (1), for the words "on the advice of the words

"after consultation with" shall be substituted.

14. 106. (1) For clause (1) the following shall be substituted:-

"(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below.

	General seats	Women	Non-Muslims	Total
Balochistan	51	11	3	65
NWFP	99	22	3	124
The Punjab	297	66	8	371
Sindh	130	29	9	168

(2) in clause (2), in paragraph (b), for the word "twenty-one" the word "eighteen" shall be substituted;

(3) for clause (3) the following shall be substituted, namely:-

(3) For the purpose of election to a Provincial Assembly,

(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote.

(b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1);

(c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly;

Provided that a political party securing less than five per centum of the total number of seats in the Provincial Assembly shall not be entitled to any seat reserved for women and non-Muslims."; and

(4) Clauses (4), (5) and (6) shall be omitted.

15. 112. (1) In clause (2), after paragraph (a), the following new paragraph shall be added, namely:-

"(b) a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary."

16. Part IV, After Article 140, the following new Article shall

Chapter 3 be inserted, namely :-

"140A. Local government- Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments."

17. Part V, In Part V, in Chapter 3, before Article 153, the

Chapter 3 following new Article shall be inserted, namely:-

"152A. National Security Council.- (1) There shall be a National Security Council to serve as a forum for consultation on strategic matters pertaining to the sovereignty, integrity and security of the State; and the matters relating to democracy, governance and inter-provincial harmony.

(2) The President shall be the Chairman of the National Security Council and its other members shall be the Prime Minister, the Chairman of the

Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee, and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.

(3) Meetings of the National Security Council may be convened by the President either in his discretion, or on the advice of the Prime Minister, or when requested by any other of its members, within the time frame indicated by him."

18. 199 (1) In clause (4A) for the words and commas "unless the

case is finally decided, or the interim order is withdrawn, by the Court earlier" the comma and words "provided that the matter shall be finally decided by the High Court within six months from the date on which the interim order is made" shall be substituted: and

(2) clause (4B) shall be omitted.

19. 203C. In clause (9),-

(a) for the word, "salary", occurring twice, the word "remuneration" shall be substituted: and

(b) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

Provided that where a Judge is already drawing a pension for any other post in the service of Pakistan, the amount of such pension shall be deducted from the pension admissible under this clause."

20. 209. In clause (5),-

(i) for the words and comma "received from the Council or from any other source," the words and comma "from any source, the Council or" shall be substituted: and

(ii) after the words "Council to", the commas and words " ,or the Council may, on its own motion," shall be inserted.

21. 218. (1) For clause (1) the following shall be substituted,

namely:-

"(1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article."

(2) in clause (2), in paragraph (b),-

(i) for the word "two" the word "four" shall be substituted; and

(ii) after the words "High Court", occurring for the first time, the words "from each Province" shall be inserted,

22. 224. In Article 224,-

(a) in clause (1),-

(i) for the word "preceding" the word "following" shall be substituted: and

(ii) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker Cabinet."

(b) in clause (4), after the words and comma "Provincial Assembly, a", the word "general" shall be inserted;

(c) after clause (5), the following new clauses shall be added, namely:-

"(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, for death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates submitted to the Election Commission for the last general election by the political party whose member has vacated such seat.

(7) When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately

following election of such Assembly."

23. 243. (1) In clause (2),-

(a) in paragraph (a), after the semi-colon at the end, the word "and" shall be added;

(b) in paragraph (b), for the word and semi-colon "and:" a full stop shall be substituted; and

(c) clause (c) shall be omitted: and

(2) after clause (2), amended as aforesaid, the following new clause shall be added, namely:-

"(3) the President shall, in his discretion, appoint-

- (a) the Chairman, Joint Chiefs of Staff Committee;
- (b) the Chief of the Army Staff;
- (c) the Chief of the Naval Staff; and
- (d) the Chief of the Air Staff, and shall also determine their salaries and allowances."

24. 260. In clause (1), after the expression "clause", the following new expression shall be inserted, namely:-

"consultation" shall, save in respect of appointments of Judges of the Supreme Court and High Courts, mean discussion and deliberation which shall not be binding on the President."

25. 268. In clause (2),-

(a) after the word "amended", the commas and words ", expressly or impliedly," shall be inserted; and

(b) after the word "President", the words "accorded after consultation with the Prime Minister" shall be added.

26. Part XII, After Article 270A, the following new Articles shall Chapter 7 be inserted, namely:-

"270AA. Validation of laws.- (1) The Proclamation of Emergency of the fourteenth day of October, 1999, all President's Orders, Ordinances, Chief Executive's Orders, including the Provisional Constitution Order No. 1 of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), the

Referendum Order, 2002 (Chief Executive's Order No. 12 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force, are hereby affirmed, adopted and declared notwithstanding any judgment of any court, to have been validly made by competent authority and notwithstanding anything contained in the constitution shall not be called in question in any court on any ground whatsoever.

(2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever.

(3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders, laws, regulations, enactments, notifications, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by competent authority.

Explanation. - In this clause, "competent authority" means,

(a) in respect of President's Orders, Ordinances, Chief Executive's Orders and enactments, the appropriate Legislature: and

(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings shall lie in any court against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.

27. 270B In Article 270B, after the figure and comma "1977," the words commas, the figures, brackets and letters "and the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002)," shall be inserted.

28. Part XII, After Article 270B, amended as aforesaid, the

Chapter 7 following new Article shall be inserted, namely:-

"270C. Oath of office of Judges, etc.- Notwithstanding anything contained in the Constitution, all persons appointed as Judges of the Supreme Court, High Courts and Federal Shariat Court who have taken oath under the Oath of Office (Judges) Order, 2000

(1 of 2002), or not having been given or taken oath under that Order have ceased to continue to hold the office of a Judge shall be deemed to have been appointed or ceased to continue to hold such office, as the case may be, under the Constitution and such appointment or cession of office shall have effect accordingly."

29. Sixth After entry 24, the following new entries shall be

Schedule added, namely

"25. The State Bank of Pakistan Act, 1956 (XXXIII of 1956).

26. The National Accountability Bureau Ordinance, 1999 (XVIII of 1999).

27. The Balochistan Local Government Ordinance, 2001 (XVIII of 2001).

28. The North-West Frontier Province, Local Government Ordinance, 2001 (XIV of 2001).

29. The Punjab Local Government Ordinance, 2001 (XIII of 2001).

30. The Sindh Local Government Ordinance, 2001 (XXVII of 2001).

31. The Election Commission Order, 2002 (Chief Executive's Order No.1 of 2002).

32. The Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002).

33. The Political Parties Order, 2002 (Chief Executive's Order No.18 of 2002).

34. The Qualification to Hold Public Offices Order, 2002 (Chief Executive's Order No. 19 of 2002).

35. The Police Order, 2002 (Chief Executive's Order No.22 of 2002)."

GENERAL PERVEZ MUSHARRAF.

Chief Executive of the Islamic Republic of Pakistan, And Chief of Army Staff.

Text of UN Security Council Resolution on Iraq: November 8, 2002

Text of UN Security Council Resolution on Iraq: November 8, 2002
United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Adopted as Resolution 1441 at Security Council meeting 4644, 8 November 2002

The Security Council

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President, Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

Recognizing the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security, Recalling that its resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to resolution 660 (1990) and to restore international peace and security in the area, Further recalling that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area, Deploring the fact that Iraq has not provided an accurate, full, final, and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than one hundred and fifty kilometres, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material,

Deploring further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the

IAEA in 1998, Deploring the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the Council's repeated demands that Iraq provide immediate, unconditional, and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people, Deploring also that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by international humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq, Recalling that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein, Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance, Recalling that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA is essential for the implementation of resolution 687 (1991) and other relevant resolutions, Noting the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General is a necessary first step toward rectifying Iraq's continued failure to comply with relevant Council resolutions, Noting further the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter, Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States, Commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard, Determined to secure full compliance with its decisions, Acting under Chapter VII of the Charter of the United Nations, 1. Decides that

Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991); 2. Decides, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council; 3. Decides that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material; 4. Decides that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below; 5. Decides that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi Government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council

60 days thereafter; 6. Endorses the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director-General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq; 7. Decides further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;

- All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA; - UNMOVIC and the IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted, and immediate movement to and from inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential Sites equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998);

- UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities; - Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;

- UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and transit corridors, in which Iraq will suspend ground and aerial movement so that nothing is changed in or taken out of a site being inspected;

- UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;

- UNMOVIC and the IAEA shall have the right at their sole discretion

verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials, and other related items, and the right to impound or close any facilities or equipment for the production thereof; and - UNMOVIC and the IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections, without search of UNMOVIC or IAEA personnel or official or personal baggage; 8. Decides further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;

9. Requests the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

10. Requests all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA;

11. Directs the Executive Chairman of UNMOVIC and the Director-General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;

12. Decides to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

13. Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

14. Decides to remain seized of the matter.
Annex

Text of Blix/EI-Baradei letter
United Nations Monitoring, Verification and Inspection Commission
The Executive Chairman International Atomic Energy Agency
The Director General

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA. As you recall, at the end of our meeting in Vienna we agreed on a statement which listed some of the principal results achieved, particularly Iraq's acceptance of all the rights of inspection provided for in all of the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached. During our 3 October 2002 briefing to the Security Council, members of the Council suggested that we prepare a written document on all of the conclusions we reached in Vienna. This letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Security Council. In the statement at the end of the meeting, it was clarified that UNMOVIC and the IAEA will be granted immediate, unconditional and unrestricted access to sites, including what was termed "sensitive sites" in the past. As we noted, however, eight presidential sites have been the subject of special procedures under a Memorandum of Understanding of 1998. Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, UNMOVIC and the IAEA would conduct inspections there with the same professionalism.

H.E. General Amir H. Al-Saadi

Advisor

Presidential Office

Baghdad
Iraq

We confirm our understanding that UNMOVIC and the IAEA have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either UNSCOM or the IAEA, through

a Notification of Inspection (NIS) provided upon arrival of the inspectors at such sites. Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of UNMOVIC and/or IAEA inspectors, as appropriate, and at their request. UNMOVIC and the IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for UNMOVIC and the IAEA to choose the mode and location for interviews. The National Monitoring Directorate (NMD) will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring and Verification Centre (BOMVIC) will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The NMD will make available services as before, cost free, for the refurbishment of the premises. The NMD will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for BOMVIC which will be staffed by an English speaking person on a 24 hour a day/seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at inspectors' request (construction, excavation equipment, etc.). NMD will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays. Regional UNMOVIC/IAEA offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation, and appropriate escort personnel. UNMOVIC and the IAEA may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. UNMOVIC and the IAEA may also install equipment in the field with the capability for transmission of data directly to the BOMVIC, New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with UNMOVIC or IAEA communications. Iraq will provide, without cost, physical protection of all surveillance equipment, and construct antennae for remote transmission of data, at the request of UNMOVIC and the IAEA. Upon request by UNMOVIC through the NMD, Iraq will allocate frequencies for communications equipment. Iraq will provide security for all UNMOVIC and IAEA personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, UNMOVIC and the IAEA will require that their staff not stay at any accommodation other than those identified in consultation with Iraq. On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by

UNMOVIC and IAEA staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by UNMOVIC. The Rasheed airbase will continue to be used for UNMOVIC and IAEA helicopter operations. UNMOVIC and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge. On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations. Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation. On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights. The relevant practical arrangements would be similar to those implemented in the past. As before, visas for all arriving staff will be issued at the point of entry on the basis of the UN Laissez-Passer or UN Certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of UNMOVIC or IAEA personnel or of official or personal baggage. UNMOVIC and the IAEA will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. UNMOVIC and the IAEA may bring into, and remove from, Iraq all of the items and materials they require, including satellite phones and other equipment. With respect to samples, UNMOVIC and IAEA will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis. We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna.

Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, Iraq's co-operation in all respect.

Yours sincerely,
Hans Blix
Executive Chairman
United Nations Monitoring,
Verification and Inspection Commission

Mohamed el Baradei
Director General
International Atomic Energy Agency