



Shadow of the 1990s

The NRO that was promulgated in October 2007 not only gave a safe exit to army, it also paved way for holding of free and fair election in a coercion-free environment and return of popular democracy

By Nadeem Iqbal

After the Nov 28 deadline, the National Reconciliation Ordinance, essentially a political deed, is once again open to judicial review. The politicians too have been forced back to the politically turbulent mid-1990s and subjected once again to the will of the establishment.

Although NRO is being widely seen as a 'Get Zardari' tool, political pundits agree that the corruption charges will not remain restricted to only ruling politicians but will open up a huge Pandora's Box. Presently, most key players and institutions other than presidency claim to operate from a high moral ground.

With the opening of the debate on NRO, not only will the judiciary's capacity to process these cases by separating cases of political victimisation from corruption be questioned, the role of FIA and NAB's role in investigating these cases will also be assessed.

It is important to understand the political context in which NRO came about. What we know as NRO was an outcome of an agreement between Musharraf and Benazir, but we do not know the details of this agreement. Musharraf says that NRO was Benazir-specific and was aimed at holding free and fair elections. PPP General Secretary, Jehangir Badar, on the other hand, claims there was a lot more to it than this. One expects these details will come to light when NRO will be taken up by the Supreme Court of Pakistan.

This tug of war among different power players is also reflected in media, where a lot of leakages are being made by these power mongers.

Under the National Reconciliation Ordinance, of the total of 3000 cases involving over 8000 persons, only 34 are of a political nature filed against politicians mainly belonging to PPP. In fact these cases were framed as a part of justification for dismissing the Benazir government in 1996 on charges of corruption. This was very much in line with the decade of 1990s, when dictators or quasi-autocrats dismissed elected governments, the higher courts upheld the terminations while charges of corruption or bad law and order remained unsubstantiated to date (The basis of these charges, interestingly, were newspaper reports),

Saifur Rehman was credited for getting most of the proofs against the PPP's ruling couple and kept PPP-led opposition at bay -- rather out of the political arena -- which ultimately provided the military with a space to intervene.

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Zardari himself was released in 2005 after remaining in jail for eight years and was sent abroad in what is widely seen as a deal with the Musharraf government. However, in the whole of 2006, when Musharraf was firmly saddled on the seat of the power, he put the opposition under pressure. As the potential threat to him was mainly posed by Benazir Bhutto rather than Nawaz Sharif -- who remained committed to 10 years of self exile under Saudi guarantee -- PPP was specifically targeted.

Wasim Afzal, a senior bureaucrat -- known for effectively investigating cases against Benazir-Zardari under Saif Ur Rehman -- was inducted as additional chairman of National Accountability Bureau (NAB) to vigorously pursue cases against Benazir. A banker once associated with NAB for investigating white collar crime confirmed to TNS that NAB did not do any new investigation of Benazir Bhutto cases but remained stuck to the one already investigated under Nawaz Sharif. In early 2007, as a first step toward confidence building between the military government and PPP, Wasim Afzal was removed from the assignment.

Politically, it seems that things are moving toward a quid pro quo between Zardari and Sharif, with the former lobbying for amending the controversial seventeenth amendment which includes deleting the constitutional bar for his getting elected as prime minister for the third time and the latter not pressing for the president's resignation on moral grounds. In the coming weeks, Nawaz Sharif's role will also be quite crucial to defuse the prevailing political temperature.

In addition to President Asif Ali Zardari, there are two other PPP federal ministers -- Ahmed Mukhtar and Rehman Malik -- who are under pressure to resign on moral grounds as they had sought erasure of the cases against them under NRO. They claim that these were cases of witch-hunting and they did not ask for relief under NRO. Minister for Information and Broadcasting Qamar Zaman Kaira said the NRO beneficiary ministers will not resign, as they were accused and not convicted, terming the demand unjustified.

One expects a lot of wheeling dealing among presidency, judiciary, army and PML-N while other players -- ANP, PML-Q, JUI-F -- may side with any one of the main players. MQM has already started distancing itself from the presidency by demanding

to separate corruption cases from criminal cases. MQM leadership is giving the impression as if criminal cases are of minor significance compared to that of corruption. Under the cover of NRO, MQM was absolved of criminal cases against it by the then president Musharraf for its support against independent judiciary movement.

Therefore, it can be argued that in the past the objective of all anti-corruption laws and mechanisms framed by respective dictators and establishment-sponsored regimes was not to uproot corruption but to keep politician under pressure. These politically half-dead and half-alive politicians are prone to dance to the tune of establishment.

No wonder, the pillory campaign against politicians precedes the actual filing of cases against them in court of laws and once in court these cases remain pending for decades without any decision.

All said and done, the politicians have also failed to draft a consensus anti-corruption framework, which is improved through practice. In the present scenario, parliament's sovereignty is put under test by legislating a new accountability law. The government also has to enhance its capacity to investigate cases of corruption independently and file them in courts for effective prosecution.