

# Constitutional Crisis and Power Struggle in Pakistan

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On February 13, the Supreme Court of Pakistan charged Prime Minister Yusuf Raza Gilani with contempt for his failure to ask the Swiss government to reopen the money-laundering case against President Asif Ali Zardari. The move has sparked a wide-spread debate about the legal crisis that this creates inside of Pakistan and whether the legal proceedings are being backed or influenced by the Pakistani military, which stands to gain massively if the current government is derailed.

The legal issues are fairly straightforward: back in the 1990s, when the late Benazir Bhutto was Prime Minister, Asif Ali Zardari received kickbacks from two Swiss-based companies in exchange for exclusive government contracts. Zardari was jailed for eight years in Pakistan on corruption charges, though he was never found guilty. In Pakistan, Zardari is commonly still referred to as “Mr. Ten Percent” (though sometimes the figure is substantially larger) in reference to his well-known corrupt dealings.

In 2003, Swiss courts found Zardari and Bhutto guilty of criminal money laundering, though both denied it. They left for voluntary exile in Dubai in order to avoid further prosecution in Pakistan. Bhutto and Zardari were only allowed to re-enter Pakistan after then President (and General) Pervez Musharraf signed under American pressure the National Reconciliation Ordinance which granted the pair amnesty for all charges of corruption. The NRO was part of the deal that was cut between Benazir Bhutto and the US to allow her to return to Pakistan and replace the widely unpopular Musharraf. When Zardari became Prime Minister after his wife’s assassination, he asked the Swiss government to set aside the case against him, which it did.

In 2009, the Supreme Court of Pakistan declared the National Reconciliation Ordinance violated the constitution and struck it down. (This happened only months after the Chief Justice of the Supreme Court and others were reluctantly reinstated by Zardari after being sacked by Musharraf). This re-opened the corruption issue and brought the Pakistani judiciary into open conflict with the Prime Minister. When Gilani closed ranks behind Zardari (both are members of the Pakistan People’s Party - PPP), the Supreme Court charged him with contempt. If convicted, Gilani would face jail time, be dismissed from his post, and be ineligible to run for Pakistani office again. If criminal charges are opened up against Zardari, too, the entire government will fall. Elections are not scheduled to take place until early next year.

The PPP has been attempting to claim that this move by the Supreme Court is actually a military coup in slow motion. They are not entirely wrong, since high ranking officials inside of the Army have been quite pleased with the Supreme Court’s decision. The Army has, of course, been gunning for the PPP and the civilian bureaucracy after the twin embarrassments of the Osama bin Laden debacle (it is now also coming to light that Musharraf may have known where bin Laden was all along) and the scandal surrounding “memogate.” At the behest of Zardari, Pakistan’s ambassador to the US dictated a memo to Mansoor Ijaz, a Pakistani American businessman, that sought American military assistance against the Pakistani military and the ISI, both of which it claimed was plotting a coup against the civilian government. When the memo was revealed, the military was adamant in calling for Haqqani’s resignation (which it got) and even for his head. Gilani has also embarrassingly

had to repeat for the news media that he does not believe that there is any risk of a coup, after taking a harder line against military meddling in civilian affairs earlier in January.

Supporters of the judiciary, on the other hand, have been touting the Supreme Court's independence as proof that this has nothing to do with bringing the military back into power. The Supreme Court, in their opinion, is the one institution that still has some legitimacy in Pakistan and its pursuance of the corruption charges against the President is an important part of the move towards cleaning up government. At the same time, the Supreme Court has also gone after the military in recent months. It recently ordered the ISI to produce seven men who had been disappeared illegally, bringing the spy agency under judicial review for the first time. It has been his aggressive push around these two issues - corruption and disappearances - that has earned Chief Justice Iftikhar Muhammad Chaudhary his populist reputation. The recent hearings about the human rights violations committed by the Pakistani military in Balochistan on the floor of the US Congress are also a product of the campaigns of this new, activist judiciary.

But should the Supreme Court succeed in convicting Gilani, the PPP would merely replace him with another party loyalist, forcing the Supreme Court to repeat its actions and deadlock the government. There is rampant speculation that this political game of chicken would provide the appropriate cover for the Pakistani military to retake control of the government, something that it has had no hesitation in doing in the past. While the judiciary has wide backing, it is certainly not in a position to offer an alternative government to the current one.

The entirety of this legal debate though rests on three intractable problems for which the Pakistani ruling class has never been able to provide a durable solution in the country's history. First and most importantly is the nation's dependence on foreign support, especially American, for its military and economic stability which is at direct odds with Pakistan's own foreign policy objectives. This is part of the reason why the war in Afghanistan has gone on as long as it has; the Pakistani military benefits from drawing the war out, both in terms of monetary aid and in terms of its importance in Pakistani life.

This problem has been coming to a head in recent months, especially after the NATO airstrike which killed 24 Pakistani soldiers back in November and the massively unpopular drone strikes which continue to pound the border region between Pakistan and Afghanistan. Washington has been looking for alternatives to the Pakistani military, but it has spent so long propping up the armed forces in Pakistan that it has few good options available in the region. The Pakistani military, too, relies on its ties with militant groups in the border areas. The new plan in Afghanistan announced by former ambassador Zalmay Khalilzadeh, which rewards Pakistan for its help in getting the Taliban to the negotiating table may also be a non-starter, since the Taliban have repeatedly said they will not negotiate with Karzai. The collapse of the NATO-Pakistan partnership and the potential destabilization of the Pakistani government will produce explosive results.

Secondly, the ruling class has never been able to achieve anything like hegemony for the civilian government. Both main parties, the PPP and Pakistan Muslim League, are widely discredited and are only voted in as ways of keeping the flow of graft moving in desirable directions. The newly minted Pakistan Tehreek-i-Insaaf (Justice Party) led by cricketer star Imran Khan has had massive rallies, but is hamstrung by the rival factions within it. The inability of the civilian government to rule effectively has meant that the only option for a long time was to replace corrupt, ineffective civilian government with ruthless, draconian military government.

Finally, the economy in Pakistan has always been extraordinarily lop-sided, with a staggering gap between the rich and poor in the country. Even though the Pakistani economy was able to grow in the last half 2011, much of that growth was simply trying to recover from the devastating hit the

country took from flooding over the two previous years and the earthquake in 2005. Much of the country's spending on social programs and infrastructure is financed by the World Bank and the Asian Development Bank, and the country is massively in debt. Unemployment is higher than the laughable official figure of 6.6% and the economy's growth rate, somewhere between 3 and 4%, cannot accommodate the people who will enter the labor force. The current solution, external aid and printing currency through the Central Bank, are both ratcheting up inflation in the country, too. Both Moody's and the IMF were trying to sound some alarms earlier this year that the Pakistani economy may be in for a bumpy ride this year.

But the population of Pakistan has also been restive. In December, there were sizeable rallies against the US drone strikes. Through January, thousands of people came out repeatedly against gas shortages and high inflation. In February, patients and activists went out to protest the issuance of contaminated cardiac drugs that killed over 100 people in the state of Punjab. There has also been an uptick in industrial actions in Pakistan. Added to this is fresh resistance by the Balochistan Liberation Front against the ongoing military occupation of Balochistan. While the left is still quite small, there are enormous opportunities for it to grow in this period.

All of this points to one unmistakable reality: as long as the elite in Pakistan control the economy and government in Pakistan, there will be nothing but ruin for the hundreds of millions who live there. The current legal fight is only the most recent expression of the problems that the ruling class faces in Pakistan. It neither has an agenda for ruling nor a party capable of implementing its agenda. Having eked by on corruption and repression for so long, the Pakistani establishment seems incapable of changing its tune. It will need ultimately, as in Tunisia and Egypt, to be forced out by the heroic resistance of the masses.

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