
Coalition's future

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The last round of negotiations in London did veer towards an agreement between the Pakistan Muslim League (N) and the Pakistan People's Party on the modalities for implementing the resolution and the executive order for the restoration of the November 2 judiciary, yet it ended in a deadlock.

Early evening on May 10, after the marathon Zardari-Nawaz session had failed to break the deadlock, three interlocutors from the two parties, Khawaja Asif, Rehman Malik and Hussain Haqqani, met at Starbuck's coffee shop to draft a friendly divorce document.

They were tasked to draw up a joint communiqué stating that the deadlock continues, the PML-N will quit the cabinet but the coalition will remain intact.

Significantly, it was a measure of the circumstances in which the Nawaz-Zardari talks had ended that these three interlocutors went about trying, yet again to strike at a workable formula for the restoration. Reportedly they drew up a "draft of sorts." Hurriedly they asked the PML-N president Shabbaz Sharif to join them.

He did and together the four apparently reached some consensus agreement. But by the next afternoon, hours before the PMN-N team's departure for Islamabad, the PPP requested for some more time to finalise the agreement. The PML-N asked for a detailed roadmap projecting definitive actions. However when the PMLN team departed the PPP-PML-N were back to square one. The deadlock persisted.

Yet another factor that paradoxically appears to persist, at least for now is some degree of trust between the PML-N-PPP leadership. The split has not occurred in the backdrop of bitterness and distrust.

If the PML-N leadership is determined to sit on the treasury benches and not in the opposition, Zardari, barring the finance minister's slot, will not be filling the remaining eight ministerial slots vacated by the PML-N's ministers. Key individuals in both parties insist the separation is only temporary. Intra-party negotiations on ways to prevent the coalition from breaking continue.

Interestingly, while among the pro-restoration groups, including lawyers, activist organisations and the media, the PPP leadership is being blamed for the coalitions' inability to restore the judges within the agreed time frame, the PML-N's leadership has avoided being accusatory. In fact throughout the negotiations and even after the London talks, the PML-N has accommodated Zardari's concerns.

For example, on the NRO front there have been behind-the-scene assurances by the PML-N leadership that they would not challenge the NRO; the PML-N has also factored in the PPP's reservations regarding the CJP while agreeing to the contents of the constitutional package, and finally assurances were also given in London that if the article 182 route to restoration is taken, ironclad guarantees will be sought from the CJP to ensure that he would move immediately to induct the post-November 3 judges as ad hoc judges.

Apparently, despite the pullout from the Cabinet, the top PML-N leadership still views the PPP leadership as interlocutors for the judiciary's restoration and also for the strengthening of Pakistan's democratic system. During the PML-N's parliamentary party's meeting on May 12 some members recommended that without compromising the party's position on the restoration issue, there should be continued cooperation with the PPP to strengthen the democratic system.

Nawaz Sharif is personally playing the lead role in ensuring what he insists "is the success of this unique and first-ever coalition experiment in Pakistan." Yet he too is faced with the challenge of performing a balancing act on what for now appear to be opposites — the immediate restoration of the judiciary and genuine survival of the coalition.

Sharif's three-track objectives include the implementation of the COD, the immediate restoration of the judiciary and the exit of the controversially elected president. Meanwhile the PPP co-chairperson's statements also continue to underscore the importance of the coalition's survival. It was on his incessant insistence that the PML-N joined the federal cabinet.

However, now with the PML-N having quit the Cabinet, the vital question is whether the coalition can actually survive. The most obvious answer would be a likely no.

Obviously if the lawyers' movement demanding restoration of the judges supported by people's groups and the media are back on the streets and begin targeting the PPP government, the PML-N may be forced to join. Being part of an active and belligerent anti-PPP lawyers' movement drawing a wedge between the PPP-PML-N.

This would inevitably put the coalition under pressure and will also impact on the smooth running of the PML-N-led coalition in Punjab. This notwithstanding, there is no inevitability of the coalition breaking up. There are a multiple connected factors that can still prevent a breakup. Four are noteworthy.

One, how soon the PPP moves to restore the judges If the PPP does move within a fortnight or so to take concrete action to restore the judges, the lawyer community and non-parliamentary political and non-political groups will likely show some patience and understanding.

Two, what route will the PPP take for the restoration? If the PPP opts for the article 182 route seeking appointment of the post-November 3 appointees as adhoc judges, it will mean that restoration could be immediate and less risky. Constitutionally, ad hoc judges enjoy the same power and the same jurisdiction as a regular SC judge. Under article 182 the CJP "in writing with the approval of the president" will initiate the process and since the president's own appointees will benefit from the ad hoc appointment order, the president will grant the approval immediately.

Three, is there an actual PPP-presidency deal in the works? If such a deal did exist and included smooth withdrawal of all the cases filed against Zardari within and outside of Pakistan and the replacement of the PML-N with the PML-Q as the PPP's coalition partner, the demise of the coalition will be guaranteed. Conversely, if such a deal does not exist, the PPP-PML-N coalition will hold, despite the PML-N's exit from the cabinet.

Four, how far is Zardari able to handle, what is believed to be the Bush administration's pressure which it can bring to bear upon the PPP leader by virtue of having been the guarantor of the PPP-Musharraf arrangement?

Clearly, pressure will be exerted for the survival of Musharraf and therefore to avoid that restoration content and route that is unacceptable to the controversial president. It was no coincident that the US factor in the form of Undersecretary of State Richard Boucher appeared in London and did engage with both the party leaders. Whatever may have been Washington's past role, Zardari's own current political positioning does give him the leeway to take decisions that will strengthen an independent judiciary even if it weakens the controversial president.

What is at stake now is the healthy survival of the coalition and by extension of Pakistan's hard-earned democratic system. If the coalition partners drift apart the implementation of the charter of democracy may not be possible. The COD's implementation is essential for strengthening the democratic system.

The PPP still holds the key to ensuring a smooth transition towards genuine democracy while continued PML-N patience and coalition partnership is required. To prevent the coalition's breakup, clearly the resolution of the judges' issue is necessary within the short term.

Failure to do so could undermine the credibility of the PPP leadership: it would lend credence to the view that Zardari's priority to clear himself of the corruption cases scuttled the historic restoration opportunity; that for Zardari the PPP-Musharraf reconciliation carried more weight than the PPP-PML-N reconciliation.

Within the party too the failure to restore the judges, indirectly strengthening Musharraf and weakening the democratic system, will create great political discontent. The end of the coalition could be the beginning of yet another round of political instability in Pakistan and a major setback for democracy. Pakistan cannot afford that.

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