

ASIENHAUS RUNDBRIEF 18/2007

Der Tag , an dem die Bildschirme schwarz wurden – ein Kommentar aus Sicht einer Frauenaktivistin

Kausar S K (nicht der vollständige Name, AF) ist Mitglied des *Women Action Forum* (Frauenaktionsforum, WAF), welches sich in den 1980ern im Zuge der repressiven und frauenfeindlichen Islamisierungspolitik unter General Zia ul-Haq formierte und eine zentrale Rolle in der pakistanischen Frauen- und Demokratisierungsbewegung der letzten Jahrzehnte einnimmt. Nach den blutigen Ausschreitungen Mitte Mai 2007 formierte sich eine Friedensinitiative in Karatschi – die *Women's Commission for Peace* (Frauenkommission für Frieden), in der sich auch Kausar S K engagiert. WAF ist zudem Mitgliedsorganisation einer Bürgerkoalition verschiedener zivilgesellschaftlicher Organisationen und einzelnen Bürgerinnen und Bürgern, der *People's Resistance in Karachi* (Widerstand der Bevölkerung in Karachi), die u.a. Anwälte besucht, die sich weigern einen neuen Amtseid nach der Ausrufung des Notstandes Anfang November zu leisten, und ist zudem solidarisch mit der Protestbewegung von Medienschaffenden und Rechtsanwältinnen verbunden, so Kausar S K. Ihr nachfolgender Artikel gibt einen direkten und aufschlussreichen Einblick in ihre Erlebnisse seit der Erklärung des Notstandes und ordnet die politischen Ereignisse in einen größeren historischen und soziopolitischen Kontext des Landes ein. (*Andrea Fleschenberg, AF*)

Old Dictatorship, New Resistance

By Kausar S K

November 3, 2007, all channels (local as well as BBC, CNN) went off the air in the evening. Puzzled viewers wondered whether there was power failure as that too is a frequent problem faced by the citizens of Pakistan. Soon the phones were ringing and mobile phones were buzzing. *Emergency has been declared* was the common statement, which came as a question, bewilderment, or a flat statement of fact. A quick scan of the headlines of a newspaper of the same day revealed that this was a possibility, though vehemently denied by the Government. (This was a smart strategy – say ‘yes’ as well as ‘no’, and then feel justified in the action taken.) Friends and colleagues out of Pakistan were promptly contacted as they could access instant coverage of the situation on the many local and foreign sources. The blackout was for all those in Pakistan. As news floated in from abroad, and confirmed by the solitary state channel, President Musharraf would be addressing the nations later in the day, but no time was available. Those who could wait for the undisclosed time of the address saw and heard him on the state channel after midnight. The next day he was reported as appearing *arrogant towards the local audience, grovelling towards the west, somewhat nervous and somewhat defiant and illogical*.

The PCO (Provisional Constitutional Order 2007) is a small document consisting of five succinct clauses. The gist was well captured by the newspapers on Nov 4, 2007. The emergency proclamation said a situation had arisen where the “government of the

country cannot be carried out in accordance with the Constitution” and “the Constitution provides no solution for this situation”.¹ General Musharraf in the PCO 2007 resolved the frustration exhibited here by appropriating for him all authority to amend the Constitution “from time to time”, “as is deemed expedient”.² He also pre-empted any possible action by the judiciary by proclaiming, “the Supreme Court or a High Court and any other court shall not have the power to make any order against the President or the Prime Minister or any person exercising powers or jurisdiction under their authority.”³ It is important to note the language of the PCO-2007. Appropriation of supremacy by General Musharraf appears absolute in the language of Clause 3 (2). It declares: “No judgment, decree, writ, order or process whatsoever shall be made or issued by any court or tribunal against the President or the Prime Minister or any authority designated by the President.”

Notwithstanding the quick-fire method used for appropriating all power into one person, resistance also came swiftly from the very source, which the PCO 2007 aimed to crush. A bench of the Supreme Court of Pakistan struck down the PCO as illegal, and asked the judges not to take oath under PCO 2007. There were nation-wide protests, which were ruthlessly crushed by the power conferred on the police. People were arrested not only from the streets, but also from their offices as they met to discuss the situation. The lawyers were chased and baton charged in the court premises and inside the bar room. All private channels and international channels were off the air, but news was flowing and circulating. The protest, interestingly enough was not confined to Pakistan. Globalisation took a different form as world-wide human rights groups and networks, lawyers groups and networks, Pakistanis living abroad stepped forth to extend solidarity to the resistance movement in Pakistan, condemn the emergency/martial law in Pakistan, and put pressure on their governments. After over a week of protests and obduracy of General Musharraf a status quo prevailed, with one amendment made to the PCO 2007 by General Musharraf (Nov 16, 2007). He has given authority to the President of Pakistan (a position which he currently enjoys) to lift the emergency as and when he wishes.

What’s the difference?

Pakistani society carries an age-old bane of concentration of power in one person as opposed to it being shared in a group of people. In a curious way this pattern can be found in most institutions in Pakistan, with exception emerging in the NGO sector. Besides the formal intuitions in Pakistan, there are informal institutions that defy and challenge the formal institutions. Take for example the phenomenon of killing women, and men, in the name of honour, and child marriages. Both are illegal acts, but are committed with impunity. Despite major campaigns against ‘killing’-killing⁴, Pakistan, in

¹ DAWN, Nov. 4, 2007. page 1. (DAWN is a daily English newspaper, and was founded by Mr Jinnah, the founder of Pakistan).

² See article 2, which has six sub-clauses. Sub-clause 1 states: “Notwithstanding the abeyance of the provisions of the Constitution of the Islamic Republic of Pakistan.... Pakistan shall, subject to this Order any other Order made by the President, be governed, as nearly as may be, in accordance with the Constitution. Provided that the President may, from time to time, by Order amend the Constitution, as is deemed expedient. Provided further that the Fundamental Rights, under Articles 9, 10, 15, 16, 17, 19 and 25, shall remain suspended.

³ PCO-2007, Clause 2 (3).

⁴ It is important to note that civil society organizations in Pakistan have taken a stance that there is no honor in killing, even though the phrase ‘honor killing’ is generally used.

other words, has parallel judicial and decision-making systems that blatantly contravene what a formal institution may strive to do. For example, in a rural area, when electricity was provided to a village, the landlord had it disconnected.⁵ In the rural areas of Pakistan the feudal lords and tribal chiefs reign supreme, irrespective of country laws. In urban centres a similar logic prevails as the one who appropriates power is dismissive of others and is not willing to listen to the other, leave alone any notion of finding a common solution with the other. This same logic is exhibited by General Musharraf in his act of declaring emergency and using the PCO-2007 as his tool for legitimising his power to do what he wishes to do, with no question asked. In so doing he breaks the very oath that he as a military man takes.

(In the name of Allah, the most Beneficent, the most Merciful.)
I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan and uphold the Constitution of the Islamic Republic of Pakistan which embodies the will of the people, that I will not engage myself in any political activities whatsoever and that I will honestly and faithfully serve Pakistan in the Pakistan Army (or Navy or Air Force) as required by and under the law. (Oath of Members of The Armed Forces. [Article 244 of the Constitution])

When General Musharraf breaks the oath, he is also giving a clear message to all and sundry: *when in power you follow your wishes and you are not obligated to uphold any earlier commitment.* This is precisely what the feudal lord and tribal chief do.

Resistance to dictatorship

Pakistan has had a long history of resistance to dictatorship. Irrespective of the outcome of the resistance, the fact remains that civil society has repeatedly said NO to dictatorship, and over the years this resistance has grown. 2007 for Pakistan is a turning point, as resistance has now presented a more organized and very broad based structure. This paradigm shift has been embodied in the lawyers and media of Pakistan. Both have national organizational structures that start from small towns to higher levels, culminating in a national committee. Both these pillars of Pakistani society function in a decentralized manner, and are linked to regional and global counterparts. 2007 is a year of a very determined attack on the judiciary and media to control it the way they had been controlled by the State in the past. Both have resisted this control for the independence of their professions. The person, thus, is not the primary concern of these two extremely important parts of Pakistani society. Unlike the protests and movements launched by political parties and their alliances, the legal fraternity and the media are not interested in gaining power. They want independence – independence of judiciary and freedom of press –, the two most significant hallmarks of any society that is to achieve democracy in the true form of upholding democratic processes at all levels.

Postscript

Many a fence sitter to the situation in Pakistan exclaims: *look the poor are not protesting.* This is what General Musharraf has also said and has claimed support from the rural

⁵ Such examples are abound and part of the living memories of rural people and those who work there. Hence academic reference to such examples would be difficult to find. (But are frequently publicized in newspapers such as DAWN, among others. AF).

majority.⁶ This amazement at non-protest by the poor hides a deeper amazement at lack of understanding of the conditions in which the poor of Pakistan live. It should be no surprise that the poor are not protesting against the subversion of judiciary, curtailment of the media and suspension of the constitution. It is easy to suppress the poor and the poor know it better than anybody. Their lives are in a perpetual state of being under “emergency rule” for the police and any exploiter easily target them. They live as if they don’t have any constitutional rights even when the Constitution is not suspended and recourse to justice can be a nightmare. Yet, no one should forget, the poor have a history of resistance to oppression. Cases of Mai Bakhtawar (Sindh) of Hari Tehreek and of Mukhtara Mai (Punjab) are well known. The poor know well that if a reliable judiciary is in place their hope for justice is always aglow. Consider the case of Manno Bheel, his persistence is laudable, and *suo moto* notice by the Supreme Court got his case moving again.

Whereas it is understandable why the poor are not responding, it is perplexing why the professional groups have not reacted to the current crisis. Not even a squeal has been heard from the various bodies of health professionals, with Pakistan Medical Association being the largest and having an infrastructure comparable to that of the media and the lawyers. There are architects, builders, primary school teachers association, business communities, to name a few, but they have chosen not to become part of the resistance underway. The student’s movement in the last 30 years has been co-opted by the political parties and hence lost its autonomy, which it once had. Yet, this too is now changing, and student groups on many campuses have begun to say NO to the current dictatorship, and they have declared themselves to be non-partisan. The resistance continues and it is with a difference. Pakistan has acquired a social maturity, which would always challenge the military dictatorship, which has been the bane of Pakistani society.

⁶ Interview given to a foreign TV channel.