

This E-Bulletin focuses on major developments in Pakistan on a weekly basis and brings them to the notice of strategic analysts and policy makers in India.

EDITOR'S NOTE

While the Faizabad sit-in was resolved only after the government conceded to the demands of the Tehreek Labaik Ya Rasool Allah (TLY) and Sunni Tehreek (ST), the disturbing site of a Major General of the Pakistan Army distributing cash to the supporters of TLY and ST underlined the cosy relationship that the Pakistan military shares with the religious fundamentalists and its ability to increasingly utilise them to pressurise the elected government. With the announcement of the UN-listed terrorist, Hafiz Saeed's new outfit and his decision to contest the next general election, the political mainstreaming of the militant right wing parties would have serious implications for Pakistani polity. The Judiciary-Executive conflict would only strengthen the hold of the military over the government. The Lahore Chamber of Commerce and Industry (LCCI) has warned that the increasing trade deficit would have a negative impact on Pakistan's economy if corrective measures are not taken. A fragile democracy will only exacerbate the poor economic situation and is unlikely to boost the investors' confidence.

COMMENTARY

The confrontation between the executive and judiciary: What does it mean for Nawaz's Future?

*Nazir Ahmad Mir**

Since the time former Prime Minister of Pakistan, Mian Nawaz Sharif was declared disqualified by the Supreme Court on 28 July 2017 and his subsequent resignation

from his office, he has been confronting the judiciary publicly by criticising its judgment. On Saturday, 2 December while addressing a public meeting in Quetta, Nawaz Sharif bitterly criticised the decision of his disqualification. He said that decision of his disqualification was 'made by five individuals', while he was elected by the masses and represents them. He went further and said that '(I)hose who had taken the oath under the PCO (Provisional Constitution Order) called me dishonest, those who had sworn in dictators'. Earlier on 4 April 2017, when the five-judge bench was divided between 3-2, with two judges standing against the decision to disqualify Nawaz Sharif, PML N members had celebrated it as 'victory' of Nawaz. However when the Supreme Court declared him disqualified, immediately PML N members lashed at the court. Terming this as a 'conspiracy', Nawaz said that he would expose the 'conspiracy' behind his disqualification.

Over a week after his disqualification while meeting some businessmen in Rawalpindi, Nawaz had said that 'I will not yield to pressure despite the fact that I was subjected to exploitation under the garb of accountability'. After his resignation, he organised a rally from Lahore to Islamabad to showcase his popularity among the people of Pakistan. It was also a fresh beginning of his decision to confront the judiciary and the army. In a press conference on September 28, Nawaz Sharif targeted the judiciary for punishing him despite having no evidence to do so. He said that the country should be 'allowed to progress in line with the constitution'. Nawaz emphasized that 'If the Constitution gives the people the right to govern, let them realise that right.' Though incurring severe criticism from the opposition political parties, the judiciary and the army, the former prime minister appeared to be in no mood to capitulate.

The judiciary and army on the other hand have been projecting themselves as the most reliable non-corrupt institutions in the country. Chief Justice Saqib Nisar said that the judiciary does not give judgments to please anyone. In his speech at the beginning of the new judicial year 2017-18 on September 11, Justice Nisar said that 'We serve the people of Pakistan and we serve the Constitution of Pakistan to the best of our understanding and ability'. On his part, to quell rumours about the army's role in the ouster of Nawaz Sharif, Army Chief Gen. Qamar Bajwa, while interacting with the members of defence committee of the National Assembly and Senate who were visiting the General Headquarters (GH) on 18 September for a briefing on military operations, said them being 'unfounded'. Gen. Bajwa while meeting the visiting members of Defence Committee of the Parliament said that the military had no role in ex-prime minister's ouster.

More often than not, the judiciary and the executive in Pakistan have been in confrontation with each other, rarely sharing a cordial relationship for most period of the history. It started right after Pakistan came into existence. Its role in dismissing elected government of led by United Front in East Pakistan, followed by legitimizing the Governor General's decision to dismiss the first Constituent Assembly. Subsequently, the role of judiciary in legitimizing the military regimes of Ayub Khan, Gen Zia ul Haq and Musharraf drew severe criticism. Therefore, the judiciary is seen as an institution that never confronted the Army but has been party to several decisions that sent the civilian government packing even before they could complete their term in office.

However, judiciary seemed to have redeemed its stature in 2007 when the high profile 'Lawyers' Movement', also known as the 'Movement for the Restoration of Judiciary' or 'the Black Coat Protests', joined by the political parties to pressurize General Musharraf demanding the restoration of Chief Justice Iftikhar Muhammad Chowdhury, who was unceremoniously sacked for refusing to take oath under the Provincial Constitutional Order. After, the exit of Musharraf from politics following the 2008 elections, the judiciary felt emboldened by the support it received for standing up to the military, especially at a time when public mood has turned against the Musharraf's regime.

Hence, the period, which Pakistani scholar Mohammad Waseem called 'judicialization of politics in Pakistan' started with Chief Justice Iftikhar M Chowdhury. The judiciary proactively entered into the domain of legislative and the executive sphere of the government trying to clip the wing of the civilian government in the name of Judicial autonomy and activism. The first victim turned out to be the elected prime minister of the country, Yousuf Raza Gilani who was declared disqualified on the charge of 'contempt of court' by the Supreme Court on 19 June 2012. Calling the disqualification 'a judicial coup', an editorial in the Express Tribune argued that 'Of course, it has to be said, with the utmost of deference and respect, that often times, the apex court has not shown the same assertiveness to military dictators that it has shown to elected civilians/governments.' Ever since, the perception that the judiciary is inclined towards the wishes of the military has increased than diminished.

The ouster of Nawaz Sharif as the prime minister has reinforced that perception. Generally it was seen that Nawaz Sharif in a wishy-washy manner had tried to at least reestablish the civilian government's say in political as well as foreign policy domain. The popular support for the judiciary, which Justice Iftikhar Chaudhry had won especially for his decision to confront the military regime and his decision to take suo motto cognizance of missing person case in Balochistan, had by now started to wear thin. However, his decision to sack sitting Prime Minister, his active role in eagerly taking up the memogate case to fix the elected government headed by the PPP for personal vengeance for not restoring him as Chief Justice after being elected in 2008 helped the military in putting pressure on the government that was unwilling to tow the military's line in foreign policy. In the last one decade after restoration of democracy, the judiciary has emerged as a new partner of the Army in destabilizing and pressuring the civilian government in the name of accountability.

Though his popularity does not seem to have been much affected by his removal from office, Nawaz Sharif has tough challenges to face in the forthcoming general elections. Unless a compromise is reached with the military, it is likely that in the event of PML-N's win, Shahbaz Sharif would be the Prime Minister. This would make the younger Sharif a formidable leader in the party

and ultimately lead to the marginalization of Nawaz's family in Pakistan politics. Not only this, his confrontation with the judiciary and army is being portrayed as creating crisis in the country and undermining national security, while he is also being projected as power-hungry and desperate to become the prime minister of the country. It will be interesting to see how the PML N leadership is going mend its course, if it does. The only challenge would be how to win the next general elections without further antagonising the army - the real power behind the throne.

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THE WEEK AT A GLANCE

POLITICS

Army brokers dharna deal

An over three-week long sit-in by religious activists in the federal capital followed by countrywide protests that sprang up in the aftermath of a botched crackdown in Faizabad area finally came to an end on Monday after the protesting religious party announced that it had reached an agreement with the government. Life in the federal capital as well as other major cities of Punjab, Sindh, Balochistan and Khyber Pakhtunkhwa quickly started limping back to normalcy soon after Tehreek-e-Labbaik Pakistan leader Khadim Hussain Rizvi called upon his supporters across the country to end their protests since government had acquiesced to fulfill their key demands.

<https://dailytimes.com.pk/148555/army-brokers-dharna-deal/>

Nawaz scathes Ahsan over Faizabad fiasco

Former Prime Minister Nawaz Sharif yesterday expressed his annoyance over mishandling Faizabad sit-in, which had finally brought the government down to its knees. In a meeting with party activists and leaders at the Punjab House, he asked Interior Minister Ahsan Iqbal tough questions about failure of the operation against the protesters. Sources aware of the deliberations in the meeting informed The Nation that initially Ahsan said that the Islamabad administration had launched the operation on the

direction of the Islamabad High Court and he was not taken into the loop.

<http://nation.com.pk/29-Nov-2017/nawaz-scathes-ahsan-over-faizabad-fiasco>

Sharif blames 'PCO' judges for his ouster

Former prime minister Nawaz Sharif continued his tirade against the judiciary on Saturday when he lashed out at the "PCO judges" who disqualified him and termed him dishonest. Addressing a public meeting at the Ayub Stadium, he bitterly criticised the decision "made by five individuals" to oust a "thrice elected premier". "Those who had taken the oath under the PCO (Provisional Constitution Order) called me dishonest, those who had sworn in dictators," he told the crowd at an event held to mark the 44th death anniversary of Pakhtunkhwa Milli Awami Party (PkMAP) founder Abdul Samad Khan Achakzai.

<https://www.dawn.com/news/1374244>

ECONOMY

Surging debt, trade imbalances eroding economic gains: LCCI

Trade imbalance and rising foreign debt are reversing benefits of hard-earned gains and the situation will become more critical if immediate remedial measures are not taken, said officials of the Lahore Chamber of Commerce and Industry (LCCI). In a statement issued on Monday, LCCI President Malik Tahir Javed, Senior Vice President Khawaja Khawar Rasheed and Vice President Zeshan Khalil said that the country made reasonable economic progress in the recent past, but swelling trade deficit and debt have put a reverse gear, posing serious challenges to the economy.

<https://tribune.com.pk/story/1570324/2-surging-debt-trade-imbalance-eroding-economic-gains-lcci/>

Govt puts \$990-million smart-meters project on hold

In a development that may affect relations with a Manila-based lending agency, Pakistan has decided to put on hold a \$990-million (Rs105 billion) smart metering

project that was meant to introduce advanced infrastructure in power distribution companies. The Asian Development Bank (ADB) wanted Pakistan to implement the Advanced Metering Infrastructure (AMI) project, but the Ministry of Power and the Planning Commission remained reluctant to take this loan due to different reasons. The ADB then pegged a budget support loan with the smart metering project, leaving no option for the then Finance Minister Ishaq Dar to agree to the ADB's terms, said sources in the finance ministry.

<https://tribune.com.pk/story/1571191/2-govt-puts-adbs-990-million-smart-meters-project-hold/>

Govt borrows \$2.5b only in 4 months

The government is continuously borrowing from the external sources, as Pakistan obtained \$2.5 billion only in four months aimed at stopping foreign exchange reserves from slipping to dangerous levels. Major part of the borrowing was from the commercial banks that recorded at \$1.02 billion during four months (July-October) of the current fiscal year. The country procured \$253 million commercial loans from Citibank and procured \$269 million from Credit Suisse-led consortium of banks for budgetary support. The consortium consists of Credit Suisse AG, United Bank Limited and Allied Bank Limited. Pakistan had also foreign commercial loan of \$500 million from the Industrial and Commercial Bank of China (ICBC).

<http://nation.com.pk/29-Nov-2017/govt-borrows-2-5b-in-only-4-months>

SECURITY

Kidnapped police officials found by roadside in Rawalpindi with marks of torture

The two police officials, who were allegedly kidnapped by unidentified activists of religious parties, from the District Headquarters (DHQ) Hospital on Sunday were found lying alongside a road in Sohan with marks of torture, fractured bones and bruises on Monday, after the sit-in was called off. Soon after they were found by a police patrol team, the police officials were taken to the DHQ hospital, from where they were kidnapped,

for a medical check-up and were later admitted to the hospital. According to a doctor, the policemen had sustained internal injuries.

<https://www.dawn.com/news/1373314>

US drone kills two near Kurram

At least two people, including a Haqqani network commander, were killed after a suspected US drone struck a vehicle on the Pakistan-Afghanistan border near Kurram Agency, officials said. Reports suggest there were at least four people in the vehicle when it was targeted by the unmanned aerial vehicle. Sources said the dead were Jumma Khan, a Haqqani network commander and his associate. It was not immediately clear if the drone hit the vehicle inside the Pakistani territory or on the Afghan side of the border. ...

<https://tribune.com.pk/story/1593191/1-suspected-us-drone-attack-kills-least-two-near-pak-afghan-border/>

One dead in firing outside Imambargah in Islamabad's I-8 Sector

Two people have died in a firing incident outside Imambargah in Islamabad's I-8 sector three people were injured in the incident. Law enforcement agencies took control and secured the area after receiving the information of the incident while rescue teams transported the injured to the hospital where they are receiving medical treatment. The details indicate that the firing erupted as people left the Bab-ul-Ilm mosque following evening prayers in Islamabad's I-8 sector. "Two gunmen approached a water cooler installed outside the mosque's main gate and filled their glasses with water, then opened fire indiscriminately on people as they came out," local police official Qasim Ahmad told AFP.

<http://dunyanews.tv/en/Pakistan/416744-Two-dead-in-firing-outside-Imambargah-in-Islamabads-I8-sector>

Peshawar attack: Terror rampage 'live-streamed'

The cellular services were suspended across the country for security reasons on Friday, but the three terrorists who rampaged through the Agriculture Training

Institute “streamed their wanton violence live on internet”, police said on Saturday. “The terrorists used a mobile application to live-stream the attack to their handlers,” Furqan Bilal, SSP Counter-Terrorism Department, Khyber-Pakhtunkhwa police, confirmed to The Express Tribune. However, he wouldn’t say which application the terrorists used for the purpose.

The police had found a mobile phone tied to the jacket of one of the dead terrorists which they believe was used to live-stream the rampage to the handlers.

<https://tribune.com.pk/story/1574135/1-agriculture-training-institute-peshawar-closed-indefinite-period/>

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