



National Reconciliation Ordinance: Was it for National Reconciliation?

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Pakistan, which has been ravaged by the mindless acts of brutal violence unleashed by Islamist militants in the last few years has a difficult problem that has the potential for far reaching political ramifications. The current chaotic situation has been triggered by the December 16, 2009 Supreme Court ruling on the issue of National Reconciliation Ordinance (NRO). The apex court struck down the controversial NRO resulting in a major setback to the first civilian government after General Pervez Musharraf-led military rule. The NRO was promulgated by President Gen. Pervez Musharraf on October 5, 2007 after reaching a deal with late Benazir Bhutto, leader of Pakistan People's Party (PPP). Under the NRO, all corruption and other criminal cases against politicians, bureaucrats and businessmen, including those against Asif Ali Zardari were withdrawn aimed at national reconciliation and facilitated the return of exiled leaders to mainstream politics.

Pakistan has been grappling with long periods of un-democratic and authoritarian rules since its inception derailing the process of any vibrant democracy in the country. It was a combination of various factors and the failure of the leadership for not having a true democratic culture in Pakistan. It has been a common feature of Pakistan politics in the recent past, particularly during military rule, where new rules were promulgated to further their interest. During the rule of General Ayub Khan and General Zia ul Haq, drastic changes took place not only in drafting new legislations but also suspending the constitution itself. With this as background, drafting a new ordinance like NRO was nothing new; perhaps it was to safeguard the interest of the then President General Pervez Musharraf and to facilitate his re-election to the Presidency.

The promulgation of an unconstitutional law like NRO was influenced primarily by the prevailing political situation prior to October 2007. This was clearly demonstrated in the manner it was done; merely three days before the Presidential election! The ordinance was designed to help out top leadership of the PPP and other major political parties besides giving a breathing space to General Musharraf. Besides, Benazir had demanded lifting of the embargo on her to serve as Prime Minister for the third term as also to drop other corruption and criminal cases registered in Pakistan and abroad against her and her husband Asif Ali Zardari.

The 17-Judge bench headed by Chief Justice Iftikhar Muhammad Chaudhury declared the NRO null and void thereby paving the way for restarting cases against those who 'benefited' from it with 'retroactive effect'. Besides the PPP, NRO had covered leaders of other mainstream political parties including Muttahida Qaumi Movement (MQM) and its self-exiled leader Altaf Hussain.

Ripples of insecurity spread fast among leaders of various political parties, retired bureaucrats and others including a few members of the Prime Minister Gilani's Cabinet. Curbs on travel on the Interior Minister Rehman Malik and the Defence Minister Ahmed Mukhtar were the first visible outcomes of the order. Though President Asif Ali Zardari was covered by the amnesty, he remains protected by presidential immunity. The National Accountability Bureau (NAB), the apex anti-corruption statutory body in Pakistan which has been in operation since 1999, has made public a list of 248 persons who have been barred from travelling abroad.

As far as the rule of law is concerned, the NRO verdict is considered historic and has thus managed to stop the preferential treatment given to the 'privileged few' in the name of national reconciliation. The striking down of the Ordinance has strengthened a view among the common Pakistanis that crimes cannot go unpunished. This is a right signal to send to a public that is disenchanted with the governance.

The security situation in Pakistan remains volatile and politically fragile. Repeated and frequent acts of terrorism have crippled life in the NWFP, Balochistan and have spread to several other high security regions in Pakistan. Major political parties like PPP and PML (N) can ill-afford to remain embroiled in a political chaos at a time when the country is struggling to tackle the menace of Al-Qaeda and Tehrik-i-Taliban Pakistan (TTP).

Other significant domestic developments prior to the historic judgment can be termed as having an impact on the overall political reactions by the NRO verdict. PML(N) led by former Prime Minister Nawaz Sharif has been fighting for the abolition of the controversial 17th amendment to the Constitution of Pakistan. This amendment empowered the President to dismiss an elected Prime Minister and dissolve the National Assembly. The proposed constitutional amendment can be adopted only when both the major parties work together thereby necessitating mutual help and coordination on the floor of the National Assembly.

On the other hand, the internal tussle within the PPP and the dilemma for the Prime Minister to remove the NRO-affected ministers from his cabinet, will put pressure on the President Zardari who is also the co-chairperson of PPP, to resign. Although elected to the Presidency with overwhelming support, various domestic and international developments has weakened Zardari's position both as the leader of PPP and the President of the country. MQM leaders, who were major beneficiaries of the amnesty under the NRO, are maintaining a stoic silence and are not in a position to demand the removal of the President and tainted ministers.

Although it was an embarrassing situation for the ruling party, the NRO verdict augurs well for the common people in Pakistan. It is an opportunity for major political parties to come together to strengthen the democratic institutions, and work towards removing the 17th amendment which can strengthen the Parliamentary form of government in future.

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