

Analysis: Living with delusions — *Dr Hasan-Askari Rizvi*



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It was not surprising that the followers of Sufi Muhammad celebrated parliamentary approval of a sharia-based judicial system for Swat.

This was the realisation of their struggle, launched in the early nineties. Their success did not owe to the genuineness of their demands; rather, having failed to restrain militant groups in the Swat area, Pakistan's federal and provincial governments accepted their demands hoping that it would reduce violence and give some space to wrest the political and administrative initiative from various militant groups. Official circles thought that if they succeed in co-opting Sufi Mohammad's TNSM, militancy will be weakened.

Sufi Muhammad was not directly involved in the current violence, but this cannot be said of all of his followers, who have overlapping affiliations with militant groups. Further, the Sufi was in detention until last year, which made it difficult for him to lead the Islamist militant movement in Swat.

By the time he was released under an agreement to stay away from violence, other groups, especially those working under the warlord Fazlullah, had entrenched themselves. Sufi Muhammad did not condemn any violence by the Swat-based militants and showed no concern about anti-women actions, including the destruction of girls' schools.

These groups share ideological affinity and goals that keep them on good terms. They diverge only in tactics. Sufi Muhammad's position has also been weakened among the militants because of his miserable failure in the venture to lead his followers to Afghanistan to fight the Americans after the invasion of Afghanistan in 2001. In fact, it was this latest agreement with the provincial government that brought him back into the limelight.

The NWFP government, led by the secular ANP, is downplaying the religious character of the Nizam-e Adl Regulation and projecting it as a mere change of nomenclature of the judicial system in Swat. It argues that judges under the new system would be appointed by the government as was the case in the past, and the role of the Peshawar High Court and the Supreme Court is built into the system. Further, it claims that this system has been brought about to ensure speedy justice by fixing deadlines for the disposal of cases.

The ANP interpretation is different from that of Sufi Muhammad, his spokesman and senior followers. They see the introduction of the new judicial system as a triumph that brings the judicial system in Swat under their supervisory control. Refusing to recognise the jurisdiction of the Peshawar High Court or the Supreme Court of Pakistan over Swat, Sufi Muhammad and his spokesman have made it clear that judges would be appointed with their consent and the Sufi would monitor if the judges were fulfilling the obligations of sharia law.

Efforts to introduce such a system failed in the 1990s because the Sufi objected to the appointment of judges. At that time, the provincial and federal governments did not accept his demand. Now, both lack the confidence to check Sufi Muhammad's interference in the management of the Nizam-e Adl.

Four sets of issues raise doubts about the capacity of the new system to contain militancy.

The first pertains to the implementation and management of the new judicial system in a manner that it does not become an instrument for the militants to exercise more effective control of the area. What happens if the militants ask for Islamic administrators and Islamic law enforcement agencies for implementation of the qazi courts' judgements?

Second, what is going to be the operational relation of these courts with the Peshawar High Court and the Supreme Court? Can a qazi court's judgement be challenged in the High Court or the Supreme

Court? Will the sharia-based courts sentence people to death or life imprisonment?

Third, the agreement has been signed with Sufi Muhammad and not with the Taliban leaders, who use violence to pursue their religious-ideological agenda. Sufi Muhammad has appealed to them to give up their weapons. However, they refuse to do so; they perceive themselves to be on the ascendancy and see no reason to voluntarily accept government authority.

Fourth, the new judicial system is being introduced to appease militants with the hope that this may enable the government to win the support of some militants. This appears to be a false assumption because the Swat deal gives a clear signal to the militants that if they can firmly hold on to an area, the government would opt for political compromise on their terms. The Sufi and the Taliban reject the Pakistani constitution, law and the primacy of the Pakistani state. They view themselves as a party at par with Pakistani government and want agreements on terms of interaction between the two rather than agreeing to Pakistani government control.

The Swat agreement is a desperate move to improve the law and order situation in the Taliban-infested area in order to deflect the criticism that civilian and security authorities have lost the capacity and the will to fight extremism and terrorism.

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Military/intelligence circles are perturbed by the persistent American campaign against the ISI. It has now launched a counter-offensive through its loyalists in the media and in political and societal circles to defend the agency as a national asset and take on the US and India, who are at the forefront of the anti-ISI campaign.

This has brought the Army/ISI as well as sections of the official circles close to the Islamists and the political right, which has an ideological anti-US, anti-India and pro-Taliban disposition.

Pakistan faces a complex dilemma. On the one hand, the top civilian and military leadership vows repeatedly to fight extremism and terrorism. It has obtained economic assistance pledges for over \$5 billion at the Tokyo Conference on this plea.

On the other hand, Pakistan's civilian and military authorities want to dispel the impression in the country that they cannot withstand American pressure. They are now encouraging Islamists and the political right to adopt a more strident approach towards US and Indian policies. The favourite themes for criticism are US drone attacks and proposed benchmarks for the utilisation of American aid to Pakistan. Of late, the federal government is arguing that Pakistan has lost over \$35 billion in the war on terrorism since September 2001, but it got foreign assistance far less than these losses. Official and nonofficial circles talk repeatedly of an international conspiracy to fragment Pakistan in order to take over the country's nuclear programme.

Strident nationalism has given boost to Islamic political discourse in Pakistan. The major beneficiaries of this perspective are the Taliban and other militants who are not described as adversaries in the Islamist-nationalist discourse. Attention is now focused on the perceived threat to Pakistan's integrity and its nuclear programme from western countries and India.

Such a domestic environment may help the government to take a somewhat tough line in the dialogue on foreign economic and military cooperation, but it impedes the Pakistani government from pursuing counterterrorism in a coherent and consistent manner.

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