
From: H <HDR22@clintonemail.com>

RELEASE IN PART B6

Sent: 4/22/2009 1:01:56 PM +00:00

To: 'HAbedin@hillaryclinton.com'

Subject: Fw: Op Ed on Swat by former Pakistan Ambassador to U.S. Maleeha Lohdi

Pls print.

----- Original Message -----

From: Davis, Lanny J.

To: H

Sent: Wed Apr 22 08:50:03 2009

Subject: Op Ed on Swat by former Pakistan Ambassador to U.S. Maleeha Lohdi

B6

Hi H--rarely will do this, not wanting to overburden you with personal emails - but I truly believe this is MUST read by you and others in State and NSC.

I know Maleeha well - she is former journalist and pro-western brilliant person. Understands Pakistani politics in all its complexity better than most. You have met her many times when she served as Ambassador.

Very troubling and incisive analysis.

I don't have my friend Dick Holbrooke's email address. Perhaps you could pass this along to him as well.

Hope you are well--

Lanny

From: mlfs1 [REDACTED]
To: Davis, Lanny J.
Sent: Tue Apr 21 23:22:10 2009
Subject: Op Ed on Swat

The retreat of Jinnah's Pakistan

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Wednesday, April 22, 2009

Dr Maleeha Lodhi

The writer is a former envoy to the US and the UK, and a former editor of The News.

An event in the life of a nation sometimes has deeper significance than what appears on the surface. The accord by which the government all but ceded administrative and judicial control to militants and their Taliban affiliates in Swat is such a development. This has profound implications for the country that have been obscured by the facile discussions on many TV talk shows. It may well mark a turning point in the country's struggle with rising militancy.

The Swat deal signifies several things all at once. First and foremost it represents a retreat for Jinnah's Pakistan. Whatever the apologists of the deal may claim, it is the very antithesis of the vision and ideals inspired by the country's founder, the core of which was a modern, unified Muslim state, not one fragmented along obscurantist and sectarian lines. Several times during and after the struggle for freedom, the Quaid-e-Azam emphatically ruled out anything resembling a throwback to obscurantism or any variant of theocracy. His leadership rested on principle and according to one of his biographers, he preferred "political wilderness to playing to the gallery".

Today the country's erstwhile leaders do not lead but are led by their dubious interpretation of what the "people want" in Swat, an act of monumental self-deception as any climate of 'opinion' created at gunpoint represents coercion, not consent. Rattled by more aggressive actions by militants, the political and security establishments caved in to the challenge rather than confront it. The Swat deal signalled weakness and bankruptcy on the part of the ruling elite that chose appeasement as the pathway to address the country's mounting internal security challenges. While the government showed no leadership or capacity to govern, the country's security institutions failed to protect its citizens, and legislators (save for the MQM) preferred expediency to principle. Can any of these actors claim to have upheld Jinnah's ideals or legacy?

The agreement forged between the ANP government and Sufi Mohammed, head of the outlawed Tehreek-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), on February 16 was effected through a presidential edict on April 13, and endorsed by a hastily contrived parliamentary resolution. This followed months of policy chaos, on again, off again peace accords and stop-go military operations,

accompanied by rising violence and the virtual collapse of any civil administration in Swat. Indeed this backdrop of rudderless, directionless rule at the centre reinforced the state of national disarray and created the conditions for the eventual Swat surrender.

Amidst this policy confusion, political leaders seemed bereft of any vision or the courage needed to steer the country in a clear direction, and preferred instead to strike a Faustian bargain with little regard for the consequences. Just as government figures were portraying the latest financial bailout from the international community as a triumph of its hat-in-hand diplomacy, Islamabad was conceding ground to militants in Swat.

A combination of factors, including political short-sightedness and expediency, pursuit of narrow agendas and fear of reprisals by militants, has resulted in choosing a course in Swat that will have serious ramifications for the country. This indicates, above all, a loss of nerve and will by the political and military leadership that seems to have convinced itself that it can contain militancy by conceding to it. But it has set the dangerous precedent of state power surrendering to a local militant force on the dubious premise of 'peace at any price'.

Advocates of the deal in and outside the government marshal a number of arguments to justify it. A major rationale adduced for the Nizam-e-Adl Regulation is that it is no different from the agreements reached in 1994 and 1999 by the Benazir Bhutto and Nawaz Sharif governments and is sanctioned by the special status enjoyed by the Provincially Administered Tribal Areas in the constitution. The verdicts of Qazi courts provided in the Adl Regulation will in any case be subject to appeal in the High and Supreme Courts and so will ultimately be consistent with the laws in the rest of the country.

Moreover, it is argued, that the regulation is in consonance with the wishes of the people of Swat who want the restoration of peace above all else. Trading a form of Sharia justice in return for peace is not being lily-livered but pragmatic. As the NWFP governor and assorted ANP leaders have declared, this regulation was "the only way to bring peace." The deal in fact aims to separate the moderates from the militant Taliban.

These claims ignore the political context in which the deal has been forged, with whom and on what terms. Invoking the parallels of 1994 and 1999 is spurious logic as 2009 represents a vastly transformed environment in which the militants entrenched in Swat are affiliated with the Tehreek-e-Taliban Pakistan (TTP) which, officials themselves say, poses a threat to the country's security. How this agreement de-couples Sufi Mohammed's TNSM from these allies no one has cared to explain. It is the TTP militants who hold sway behind the figure of Sufi Mohammed, who was the mediator between the government and the Swat Taliban.

Nor does the argument hold up that the system instituted in Swat will be consistent with Pakistan's constitution. The fig leaf of the state's writ overseeing the Nizam-e-Adl implementation has already been ripped apart by Sufi Mohammed who announced last Sunday that the decisions of the Qazi courts will be final and not subject to appeal in the High and Supreme Courts which he denounced along with the constitution and democracy as un-Islamic. He also declared that judges to the Qazi courts will be appointed with the consent of his organisation. This has thrown into sharp relief the reality of a parallel law being established.

The argument trotted out about Swat's 'special status' overlooks the fact that modern statehood requires that laws are unified whereas the regulation fragments the system of law and justice. And as the people who will administer the new regulation are no experts in Muslim jurisprudence or even theology, this cannot even be considered a move toward Islamisation. It is little more than surrender to a medieval form of obscurantism practised by the Taliban.

As for the rather rich claim that the regulation has been promulgated in deference to the popular will in Swat, this confuses coercion with consent. If the men of violence are able to create a climate of fear and intimidation and the army too fails to come to the people's rescue, local inhabitants will obviously want a cessation of violence. But this is fundamentally different from people becoming instant converts to the worldview espoused by the TNSM and the Taliban.

Few will take issue with a peace agreement if it is forged with those prepared to renounce violence and predicated on an explicit acceptance of the writ of the state. The Swat deal doesn't meet this criterion. Negotiated in haste and under duress, the agreement has not been accompanied by any explanation as to the obligations agreed to by the TNSM, much less about how these will be enforced. Even an undertaking of decommissioning weapons is shrouded in mystery, contrary to official claims that the TNSM will ask its Taliban allies to surrender their arms.

The Swat deal marks a dangerous precedent for several reasons. One, it sets up a parallel justice system that has been 'won' in the shadow of the gun. One-third of NWFP, which the Malakand division represents, has been placed under this parallel law. Two, it cedes space to the militants who wreaked violence, killed at will, burnt girls' schools and spread mayhem that led to the exodus of tens of thousands of people from the valley. Virtually handing over Swat in this backdrop is tantamount to the state acceding to a form of Taliban warlordism. Far from halting creeping Talibanisation, Islamabad's concession has unintentionally conferred legitimacy to their agenda.

Three, it serves to embolden militant forces to advance further and beyond Swat. Already Sufi Mohammed has vowed to spread the system he calls the 'sharia' to the surrounding region and the rest of the country. The demonstration effect is also evident in the call given by the recently released cleric of Lal Masjid, Maulana Abdul Aziz, for the Swat success to be replicated in all of Pakistan. What is to stop a small band of militants from seizing territory, coercing the inhabitants and holding them to ransom until their cries for peace are responded to by Islamabad with another dose of 'pragmatism' and deference to public wishes? And four, the Swat experiment risks stoking sectarian tensions which will have further deleterious effects on the social fabric and the body politic.

Finally it is worth recounting what an Afghan friend once told me as she recalled her country's experience: "They don't have to seize the capital to take over the country". The sense of distance and complacency that is bred by the atmosphere of power and privilege in Islamabad should not blind the government to the looming threat of militancy which its own missteps have heightened.

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