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Musharraf and the Chief Justice: Will Pakistan Unravel?

When Pakistan's President Pervez Musharraf announced March 9 that he was "suspending" Iftikhar Mohammed Chaudhry, the country's Chief Justice, it looked like another of the classic Pakistani clashes between judiciary and executive. In the past, these have been embarrassing and high-handed affairs, and the executive has always won. But Musharraf's action sparked outbursts all over Pakistan, leading to questions about whether the government was losing its grip. It is not clear whether this will snowball, but it has shaken the aura of invincibility that Musharraf has enjoyed until now.

How dangerous was Chaudhry to the Musharraf government? In 1999, he was willing to validate Musharraf's coup, unlike several other judges who resigned rather than do so. But more recently, he had ruled against the government on a couple of cases. This may have led Musharraf to worry about how he might deal with potential future cases involving Musharraf's eligibility to remain both President and Army chief, and the sequence of the presidential and Parliamentary elections. These issues are central to Musharraf's calculations for remaining in power. He and his government are determined to control issues of this nature; Chaudhry's perceived unpredictability might have been seen as a real threat.

Technically, what Musharraf did was to refer alleged improprieties in the Chief Justice's conduct to the country's top judicial council. The accusations are said to involve abuse of authority. Chaudhry apparently had a reputation for high-handedness, a characteristic that may have made Musharraf confident that sidelining him would win plaudits from Chaudhry's legal confreres.

It didn't work out that way. The heart of the protests against Chaudhry's suspension came from the bar associations. No surprise here: the bar is almost always at odds with the Pakistan government. This time, however, the lawyers didn't just vent their spleen in print. They went into the streets, and they did so all over the country – including normally placid Islamabad and Muzaffarabad, the capital of Pakistani-administered Azad Kashmir. The police responded with heavy-handed arrests and baton-charges. Both major secular opposition parties and the religious party conglomerate have intermittently joined the protests, a significant escalation. But the major secular leaders are outside of Pakistan.

Street protests are a sensitive issue for the army. They challenge the army's control, and if they get out of hand, they can put the army in the position of attacking their own people. The protests over the Chaudhry affair generated a media crackdown extending beyond the print media to Pakistan's vibrant private TV stations. One program taken off the air featured Kamran Khan, a well-known security affairs correspondent, whose excellent sources in the security establishment have normally kept him safe from such intrusions. His TV channel, Geo, had its offices broken into and its windows smashed. This might have passed without a murmur at other times in Pakistan's history, but for Musharraf, who has publicly taken credit for Pakistan's free press, it was embarrassing enough to lead to police arrests and a public apology – in an interview with Geo.

When the political trends shift in Pakistan, they generally go down by sharp and unexpected steps rather than a smoothly sloping line. The removal from office of former Prime Minister Zulfikar Ali Bhutto grew out of suddenly escalating protests over his fixing the results of the 1977 election; inside a month, he had moved from being invincible to being on the ropes, and in another two months he was gone.

The thing to watch now is whether someone emerges as the leader of the protests, and whether they expand beyond the status of the Chief Justice to the political and electoral issues Musharraf is facing, or to other emotive issues such as his policy in Afghanistan. If this does not happen, Musharraf is likely to weather this storm. Even so, it will leave a mark on his government, and will add to the baggage he is carrying as he governs one of the world's most difficult countries.

- *Teresita C. Schaffer*

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