

Documents

July-December 2009

I. Foreign Policy

NON-ALIGNED MOVEMENT

Text of the statement by Prime Minister Syed Yousuf Raza Gilani at the 15th summit of the Non-Aligned Movement (NAM)

Mr. Chairman,
Your Royal Highnesses,
Honourable Heads of State and Government,
Excellencies,
Ladies and Gentlemen!

It is a great pleasure to be in Egypt -- this ancient land, the cradle of civilization.

We are grateful to the brotherly government and people of Egypt for the warm reception and gracious hospitality accorded to us since our arrival here.

We also extend our warmest felicitations to Egypt for assuming the Chairmanship of the Non-Aligned Movement for the second time.

As a founding member, Egypt has made a tremendous contribution to the promotion of the goals and objectives of our Movement.

We have no doubt that, under Your Excellency's wise stewardship, NAM will forge ahead in fully realizing its noble purposes.

I also take this opportunity to pay rich tributes to Cuba, and His Excellency Raul Castro, for outstanding leadership during Cuba's term as the NAM Chair.

Mr. Chairman,

Our Summit is taking place at another defining moment in history. This is a time of immense challenges, but equally immense opportunities.

It is our conviction that the vision and principles outlined by the NAM's founding fathers are not only valid today, but are indeed indispensable. The solidarity which helped us promote collective good in the past is equally essential for the future.

We, in Pakistan, believe that the core of NAM's efforts today should be our quest for sovereign equality. In these changing times, our Movement must renew its emphasis on giving full life and meaning to the immutable principles of sovereignty and territorial integrity, non-aggression, non-intervention, mutual benefit, and peaceful co-existence.

Mr. Chairman,

Security -- including economic security -- is indivisible. The global financial and economic crisis is affecting us all. The continued progress and prosperity of our peoples is at stake.

We must utilize this opportunity to fashion a holistic response. Our approach should be balanced, premised on the mutuality of interests of developed and developing countries. A conceptual rethink is required regarding the optimal balance between the role of governments and markets.

The temptation for protectionism must be resisted at all costs. Market access should significantly expand, generating trade and employment opportunities. Stimulus packages and special dispensations to help particularly the vulnerable economies are essential.

We must also work for comprehensive reform of the global financial and economic architecture, especially in the realm of enhanced regulation, more accountability, and inclusive decision-making. Only a profound transformation will produce desired results.

Mr. Chairman,

This Summit appropriately focuses on 'international solidarity for peace and development.' In Pakistan, peace and development are the core national priorities of our democratic government. The guiding light for us is the vision of Mohammed Ali Jinnah, the father of our nation, of a progressive, modern, democratic, Islamic Pakistan -- at peace within, and peace without.

We are currently engaged in a resolute national effort to eliminate terrorism and militancy. Our valiant security forces and the people of Pakistan have rendered enormous sacrifices in fighting this menace. Millions of our citizens have been recently dislocated.

Pakistan deeply appreciates the support and solidarity it has received from friends in the international community.

Terrorism is a global phenomenon. Only regional and global solutions would work. Military means alone will not suffice. The only successful strategy would be a multi-dimensional strategy, particularly which addresses the root causes. Sustainable success would come from resolving the long-standing political disputes and promoting socio-economic development.

Mr. Chairman,

The advancement of Pakistan's economic development goals is possible only in an environment of regional peace and stability. We are, therefore, steadfastly pursuing friendly and cooperative relations with our neighbours on the basis of equality, mutual interest, and mutual benefit.

There has recently been some forward movement in our relations with India. We hope to sustain this momentum and move towards comprehensive engagement. We believe durable peace in South Asia is achievable. It will be facilitated by the resolution of all outstanding disputes, including Jammu and

Kashmir. The peace dividend for the 1.5 billion people in the region would be enormous.

Peace and stability in Afghanistan is in our vital interest. For its part, Pakistan is engaged bilaterally with the brotherly government of Afghanistan to realize the objectives of peace, security and development.

Mr. Chairman,

On the international plane, we suggest that NAM pursue the following eight-point programme to advance the cause of peace and development:

1. Reinforce the normative framework by stressing strict adherence to the principles of inter-state relations enshrined in the Charter of the United Nations.
2. Strengthen the multilateral system to curb unilateralist impulses and to advance the interests of all states in an equitable manner.
3. Re-design the global institutional architecture on the basis of democracy, accountability and transparency.
4. Promote the pacific settlements of disputes. Pakistan has already stressed the need for NAM to expeditiously evolve a mechanism for conflict resolution.
5. Develop a new global consensus covering arms control, disarmament and non-proliferation as well as access to nuclear technology for peaceful purposes. Our approach should be based on the Charter principles and the concept of equal security for all states.
6. Deepen South-South cooperation.
7. Pay urgent attention to the issue of climate change, including in South Asia. The developing countries need to be provided adequate resources and technology to deal with this looming crisis.
8. Promote inter-faith dialogue.

Mr. Chairman,

We are at a historical juncture. The path we take today would determine the evolution of the world tomorrow. We have a historical responsibility to our future generations.

For its part, Pakistan will continue to actively contribute to the advancement of the NAM's worthy goals and objectives.

I thank you.

15 July 2009. Sharm El Sheikh. *Source:* Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

ASEAN

Text of the statement by Foreign Minister Makhdoom Shah Mahmood Qureshi at the 16th ASEAN Regional Forum (ARF) ministerial meeting Phuket

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

At the outset, I wish to express my gratitude and that of my delegation for the gracious hospitality extended to us by our Thai hosts. The beautiful surroundings of Phuket and impeccable arrangements by our Thai friends have provided a perfect setting for our free-flowing interaction.

Pakistan values its association with the ASEAN Regional Forum. The “Vision Statement” proposed to be adopted by 16th ARF is a timely initiative and will help chart the future course, this entity needs to follow to achieve its stated objectives.

Excellencies,

We are living in unpredictable times. Our international system is in a state of flux.

Turmoil in various regions, ongoing conflicts, unresolved disputes, terrorism and militancy, food, energy and financial crisis, environmental degradation, natural disasters, inadequacies of the global trading and financial system, the so-called civilisational divide, are serious challenges the world is confronted with.

On the positive side we can discern a healthy trend towards deepening regional integration, development of cooperative mechanisms to deal with issues of peace and security, acceptance of the need to confront terrorism and a growing realisation for reform of the present global financial and economic architecture. Geo-economics is shaping geo-politics.

However, the challenges faced by us are overwhelming. We see an inability to address festering conflicts, high level of military spending, stockpiling of arms, environmental and health challenges. Global rules or mechanisms established to deal with issues of peace, security and development have become inadequate or weak. We are not employing the UN Charter to its full use for peaceful settlement of disputes or conflict prevention. We need to arrest this drift endangering the international security system. In order to promote peace, security and stability at the bilateral, regional and global levels, it is imperative to create interdependencies and partnerships that ensure a win-win situation for all.

To respond to multiple challenges, both developed and developing countries have to play their part, since security and economic development are indivisible. Any architecture which promotes growth of a few and ignores the concerns of majority, will be unsustainable. Interest of all countries will need to

be taken on board in developing global partnerships. Developing countries need a pro-development enabling environment, effective participation in global economic decision making, rule-based and level playing trading and financial regime and support from developed countries and international financial institutions to pursue their growth and development objectives.

Excellencies,

A stable regional environment is a pre-requisite for economic development underpinned by cooperative relations. Pakistan is part of an extended neighbourhood of not one region but several inter-connected regions. Our demography plus geo-economic location confers numerous advantages for our sustained growth. In South Asia, the greatest challenge is to eradicate poverty, illiteracy and disease. We have a shared responsibility to channel all our energies for the betterment of our people who constitute 1/5th of this planet's population. And for this, we need an enabling environment of peace and stability.

While our region may be in the spotlight currently due to terrorism and militancy, the fact remains that this region has much more to offer to the world in terms of its economic and human potential. It is unfortunate that the issue of terrorism today overshadows this potential.

Mr. Chairman,

Pakistan is engaged in the fiercest battles against terrorism. We are waging this war to save the 'soul' of Pakistan. It is in our interest to root out this menace once for all as the terrorists threaten to rip apart the fabric of our society and undermine our region's development prospects.

Perhaps no country has suffered more in human and material terms than Pakistan due to war on terror. Since 2001, Pakistan has been subjected to more than 6000 terrorist attacks. We are still hosting nearly 3 million Afghan refugees.

We are grateful for the assistance international community has extended to us. The Friends of Democratic Pakistan Forum came forward to pledge over \$ 5 billion in Tokyo in April this year. We appreciate this cooperative approach.

We are pursuing a comprehensive strategy of dialogue, development and deterrence. We are building domestic consensus and people's ownership of the struggle against terrorism. This approach is bearing fruit. International community can assist Pakistan in implementing this strategy through building our capacity.

Excellencies,

With Afghanistan, our destiny is interlinked. Peace and stability in Afghanistan is vital for our own security and for trans-national regional cooperation. Pakistan's engagement in multiple tracks and trilateral processes reflects our desire to be a proactive partner with international community to stabilize

Afghanistan. Pakistan will offer all assistance for the conduct of free and fair elections in Afghanistan.

We are encouraged by President Obama's pronouncements that the problem of extremism and terrorism needs a "regional" and a "comprehensive" approach. We have underscored the need for a "multifaceted comprehensive strategy". Ongoing campaign against terrorism cannot be won by military means alone. The military surge needs to be backed by political and development surge.

The regional states would have to play their role in preventing the flow of money and weapons into Pakistan and in curbing the narco trade, which is feeding terrorism and keeping the region destabilized.

Mr. Chairman,

We view ourselves as a natural trade and energy corridor for facilitating intra-regional and inter-regional economic integration. We attach great importance to our relations with countries of Asia-Pacific region. We wish to expand our ties with the ASEAN community. This is part of our 'Vision East Asia' policy. We seek to build complementarities with our Asian partners to reap mutually beneficial dividends. We believe that Asia, which has tremendous resources, both natural and human, is fully endowed to lead in defining the new security and economic paradigm.

Thank you.

23 July 2009. Phuket. *Source:* Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

PAKISTAN, AFGHANISTAN & TAJIKISTAN

Text of the join statement of the Presidents of the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan, the Russian Federation and the Republic of Tajikistan at their quadrilateral meeting, Dushanbe

The quadrilateral meeting of the President of the Islamic Republic of Afghanistan, Hamid Karzai and the President of the Islamic Republic of Pakistan, Asif Ali Zardari, the President of the Russian Federation, Dmitry Anatolyevich Medvedev and the President of the Republic of Tajikistan, Emomali Rahmon took place on July 30, 2009 in Dushanbe.

During the meeting which was held in the atmosphere of friendship and mutual understanding, the heads of states discussed the prospects and main directions of quadrilateral cooperation.

The president of the Islamic Republic of Afghanistan, the President of the Islamic Republic of Pakistan, the President of the Russian Federation and the President of the Republic of Tajikistan,

- Recognizing the special significance of extension and strengthening of mutually beneficial economic cooperation among the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan, the Russian Federation and the Republic of Tajikistan as an important component of the regional economic cooperation;
 - Underscoring the need for consecutive implementation of agreements reached during the meeting of the Presidents of the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan, the Russian Federation on June 15, 2009 in Ekaterinburg;
 - Welcome the Statement of the Ministers of Foreign Affairs of the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan and the Russian Federation adopted by the order of the Presidents of the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan, the Russian Federation (Trieste, June 26, 2009);
 - Underscoring the importance of commissioning of Sangtuda-1 Hydropower Plant in Tajikistan , including for solving the energy problems of the region;
1. Welcoming the readiness expressed by the Republic of Tajikistan to join the main directions of the aforementioned Statement of the Ministers of Foreign Affairs of the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan and the Russian Federation.
 2. Underline concern over the increased illicit traffic of drugs as one of the main source of terror funding and call upon the international community to take in cooperation with the Government of Afghanistan additional steps to ensure decisive fight against the menace of drugs.
 3. Stress the importance of the development and strengthening of economic and trade relations among the four countries and support measures at national and international levels aimed at promoting socio-economic rehabilitation and development of the region.
 4. Consider the necessity of quadrilateral economic cooperation, including in working out of ways and means of promotion of regional trade, increase of foreign investment flows and implementation of projects in the sphere of hydropower, construction of transmission lines and development of transport infrastructure as well as the importance of measures on the creation of favourable investment climate in their countries and promotion of direct ties among the business communities of the sides.
 5. Underline the expedience of active involvement of the Islamic Republic of Afghanistan in economic cooperation processes in the region for the benefit of economic rehabilitation and normalization of the situation in the country as a whole.
 6. Declare their interest to participate in economic cooperation under the auspice of the SCO and request the World Bank and other international financial institutes to activate assistance for the implementation of the economic projects in the region as well as to study the possibility to contribute to the CASA-1000 project.

The President of the Islamic Republic of Afghanistan, Hamid Karzai, the President of the Islamic Republic of Pakistan, Asif Ali Zardari and the President of the Russian Federation, Dmitriy Anatolyevich Medvedev express their gratitude to the President of the Republic of Tajikistan, Emomali Rahmon for the warm and cordial reception and stress the importance of the conducted quadrilateral meeting.

The Joint Statement is signed at Dushanbe on this 30th day of July 2009 in one original copy in English, Dari, Russian and Tajik languages.

30 July 2009. Dushanbe. *Source:* Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

PAKISTAN-TURKMENISTAN

Outcome of the first meeting of Pakistan-Turkmenistan Joint Ministerial Commission

The first session of the Pakistan-Turkmenistan Joint Ministerial Commission was held in Ashgabat, Turkmenistan on August 3-4, 2009. The Pakistani delegation was led by Nawabzada Malik Amad Khan, Minister of State for Foreign Affairs. The Turkmenistan side was headed by their Foreign Minister Rashid Meredov.

The Minister of State also called on Mr. Gurbanguli Berdimuhammedov, the President of Turkmenistan and discussed prospects of improving bilateral economic and political relations. He also held sideline meetings with Mr. Annaguly Deryaev, Minister for Oil and Gas Industry and Minerals Resources, and Mr. Ata Gulyiev Nokergvly Hoja Gulyevich, Minister for Commerce and Foreign Economic relations.

A protocol was signed wherein the two countries agreed to speed up the project for supply of Gas from Turkmenistan to Pakistan. In addition to this, the Turkmenistan Government also offered export of electricity to Pakistan.

Both governments decided to form working groups on Commerce & Trade and Food & Agriculture. The group on Commerce & Trade will discuss and finalize the list of goods and services for enhancing bilateral trade between the two countries.

It was also agreed that the business community of both countries will interact with each other to promote trade and investment and joint investment projects. There will be regular exchange of trade delegations and participation in fairs/exhibitions in each other's countries.

Both countries also agreed to negotiate a transit trade agreement that will facilitate and expand trade volume between the two countries.

The working group on food and agriculture will study and identify areas of cooperation between the two countries, including information sharing in agriculture research, seed productions research system, agriculture training, and livestock and fisheries.

The two countries also agreed to activate the forum of political consultations between the two Ministries of Foreign Affairs as well as the agreement on Science and Technology signed in 1994 and to convene the meeting of experts by the end of 2009.

The Turkmenistan Government also thanked the Government of Pakistan for its offer of facilities in the field of higher education, vocational training courses, WTO Rules and Agreements and short term training courses offered by the Government under Pakistan Technical Assistance Programme.

4 August 2009. Ashgabat. *Source*: Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

FoDP

1. Text of the statement by Minister of State for Finance and Economic Affairs Hina Rabbani Khar at the Friends of Democratic Pakistan (FoDP) senior officials' meeting, Istanbul

Your Excellency Mr. Feridoun Sinirlioglu
Under Secretary,
Ministry of Foreign Affairs of Turkey and
Co-chair of Senior Officials Meeting,
Distinguished delegates,
Ladies and Gentlemen,

It gives me immense pleasure to express our profound gratitude to the Government and the people of Turkey for hosting Friends of Democratic Pakistan.

Istanbul is magnificent. Few cities in the world can match its grandeur and its warmth. We are delighted to be meeting at this great city.

Pakistan is confident that the Istanbul meeting would go a long way in attaining the overall objectives of FoDP.

Indeed, this meeting is also testimony to exemplary brotherly relations between Pakistan and Turkey.

We are also extremely grateful to all the friends for attending this meeting at rather short notice. As Co-chair I welcome you all to Istanbul.

Ladies and Gentlemen,

The Friends of Democratic Pakistan is a hugely important initiative. It aims to support Pakistan in its national efforts towards consolidating its democracy, promoting good governance and achieving its socio-economic development plans.

Issues of security and development are inextricably linked. This Pakistan-led process is also acknowledgement of Pakistan's unparalleled sacrifices in our common struggle against violence and extremism.

FoDP also underlines the fact that it is only democracy that has the inherent capacity to address the challenges of extremism and terrorism and issues of under development most effectively.

At Tokyo, the FoDP Ministerial was held back to back with the Donors' Conference. It is important that the pledges made at Tokyo are realized sooner rather than later, enabling Pakistan to overcome its short term budgetary difficulties.

Ladies and Gentlemen,

The national consensus against violent extremism as evolved before the Malakand law enforcement operation is one of the biggest achievements of the democratic dispensation in Pakistan.

The Malakand operation has been most successful in securing its objectives.

Nevertheless, over two million people had to undergo the predicament of dislocation.

Whereas on the one hand the Malakand operation demonstrated our national determination to break the back of militants and eliminate them once and for all, it also reflected our national resilience and capacity to handle and surmount difficult situations.

We take great pride in the fact that over 80 per cent of the dislocated population was looked after by host families.

Pakistan has negated many an apprehensions, rife just a few months ago.

Not only has Malakand Division been cleared of militants, but also over 90 per cent of the displaced people have now returned to their homes voluntarily and with dignity.

We are grateful to the friends for supporting our national efforts in this regard.

Obviously the challenge is not yet over. But neither has our national resolve weakened to reconstruct Malakand Division and rehabilitate millions of lives.

The Government of Pakistan has already allocated substantial funds for this purpose from its own national resources.

Time is of the essence; we cannot allow our successes to fritter away. We will make Swat and Malakand a real success story by regaining its original strengths, like tourism, and creating additional economic opportunities through increased investments and Reconstruction Opportunity Zones.

Our vision is clear.

History has shown us time and again that partial solutions only lead to reincarnate old problems with a vengeance. Our approach therefore has to be comprehensive, covering all facets of life if we were to win hearts and minds.

We draw satisfaction from the fact that FoDP is about Pakistan and it is about comprehensive solutions.

Ladies and Gentlemen,

Pakistan is a big country with incredibly huge untapped resources of all kinds. Pakistan offers incredible economic opportunities for all.

Our youthful population can be turned into a great asset with focused approaches and adequate investments.

Long-term practical strategies towards poverty alleviation, creating employment opportunities, and expanding and diversifying our exports are already in place.

Our emphasis, therefore, is on joint ventures, public private partnerships, investment and trade under frameworks and mechanisms that can be sustained in the years to come.

In a nutshell, we wish to create win-win scenarios for all those who wish to engage in opportunities that Pakistan offers aplenty.

I can assure you that it is just a matter of time. Pakistan is destined to emerge as a strong, progressive and prosperous democratic country.

Thank you very much.

24 August 2009. Istanbul. Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

2. Text of the statement by Foreign Minister Makhdoom Shah Mahmood Qureshi at the (FoDP) ministerial meeting, Istanbul

Your Excellency,

Ahmet Davutoglu,

Minister for Foreign Affairs of the Republic of Turkey and

Co-chair of the Ministerial Meeting,

Distinguished Delegates,

Ladies and Gentlemen!

It is a matter of great pleasure for me to welcome, along with my brother, Foreign Minister Davutoglu, Your Excellencies and distinguished delegates to this Ministerial Meeting of the Friends of Democratic Pakistan.

I am grateful for your participation and for your interest and support to Pakistan.

Turkey has always been a true friend of Pakistan. We greatly value its support and interest in the well being of the people of Pakistan.

This is the Third Ministerial Meeting of the FoDP since the launching of the Friends initiative in New York in September 2008.

This process enables Pakistan's close friends and partners to engage closely on a range of subject of common interest.

It enables Pakistan to share our perspectives on the important developments impacting us and our region.

We value the understanding and support of the friends for Pakistan. We also value our partnership in devising programmes and projects, which are feasible and mutually beneficial.

The Tokyo Ministerial was an important milestone. It laid down broad parameters of the Process and identified key sectors of cooperation.

It was a strong endorsement by the friends of our vision to make Pakistan an anchor of peace and stability.

It gave a clear message of moral, material and political support for our people. It acknowledged the great sacrifices made by the Pakistani people in confronting the menace of terrorism and extremism.

Next month we look forward to the holding of the first FoDP Summit which President Obama, Prime Minister Brown and President Zardari will jointly host on 24 September in New York. I thank His Excellency Prime Minister Recep Tayyip Erdogan for graciously accepting to present his assessment based on the conclusions of this Ministerial Meeting.

Ladies and Gentlemen,

During the short span of six decades, Pakistan's strength and the resilience of its people has been tested many a time. Each time, we have emerged victorious.

Today, the world and in particular our region are faced with the spectre of terrorism and extremism.

Pakistan is determined to eliminate these evils from its soil, as they are alien to our ethos. The entire nation is united in its determination to root out the menace by a comprehensive and effective strategy.

A strong Pakistan on the path to development and prosperity is the strongest bulwark against all such retrograde forces.

In these defining times, we cannot and must not allow our vision of the twenty-first century to be predicated on ideologies of hate, intolerance, and violence against innocent persons.

In a globalized world, we must work collectively to promote harmony within and between nations.

We must chart for ourselves a trajectory for building peace, stability and prosperity.

Excellencies,

In the past year and a half Pakistan has made an impressive transition to democracy.

Today, Pakistan has a sovereign Parliament, an independent judiciary, a free media, and a vibrant civil society.

Our nation is united, as never before. We have registered success in fight against terror. Within a short span of eight weeks our armed forces and law enforcing agencies defeated the militants and terrorists in Swat and Malakand.

We have through national efforts dealt effectively with the issue of over 2 million displaced persons. Most of them are now returning to their homes.

We are proud of our success and the courage and generosity of our people and state institutions and the efficacy of the national resolve to convert all challenges into new opportunities for advancement.

Pakistan's economic fundamentals are positive.

We have tremendous potential for economic growth. Our demography is right, our national resources immense, our people are talented. We are an emerging market, strategically placed to benefit our region and the world.

We have arable land of nearly 200,000 square kilometers, with an irrigation system rated among the most advanced in the world.

Pakistan is among the leading producers of cotton and milk.

Our mineral wealth includes large reserves of natural gas, gold, copper, salt and coal, many yet untapped.

Our roads, rail and ports link the vast Eurasian heartland to the world. These strengths add up to an immense potential and a great promise.

A promise that can best be realized by harnessing public-private sector synergies and promoting trans-regional development cooperation.

We wish to bring into play, the judicious mix of capital, technology and the expertise of the corporate world.

Our democratic Government has the will, resolve and the vision to realize this great promise.

This is the vision of our Great Leader, Quaid-e-Azam Mohammad Ali Jinnah; the vision of

- A democratic Pakistan;
 - A Pakistan of equal and abundant opportunity;
 - A pluralistic Pakistan enriched by its inherent diversity;
- A progressive and forward looking country, which is an anchor of stability for the region and the world;

Whose citizens can thrive in peace and in harmony as an integral part of a global fraternity.

We are committed to strengthening our democracy, improving our governance and enhancing our institutional capacities.

We are committed to equipping ourselves to deliver better.

This is, and will remain, an endeavour owned and driven by Pakistan and Pakistanis.

We believe that by partnering with the international community, our shared goals for progress and development will be significantly advanced.

Excellencies,

Not long ago terrorists and extremists sought to take hostage Swat, one of Pakistan's most attractive tourism destinations, a place of breathtaking natural beauty, and the abode of a hospitable and tolerant people.

Cross-regional flow of narco-money and munitions allowed them to force a foothold in our Federally Administered Tribal Areas and Malakand.

The law enforcement action in Swat and Malakand was a watershed in our struggle against terrorism and extremism.

With the full might at their command, the people of Pakistan, its democratic government, its political parties, its civil society and its armed forces closed ranks, stood united and drew a line.

At great sacrifice, an area one-third the size of the United Kingdom was cleared with no support for outside.

This was the result of our national effort.

Our valiant people have paid the cost in lives, in loss of property and displacement.

Bearing the burden of such a large caseload of the displaced was a daunting task.

\$ 800 million have been committed from our own resources, of which \$ 200 million have already been spent.

A Special Support Group was set up to coordinate relief effort with the Provincial Government in the lead.

32 camps were established, more than 100,000 tons of food disbursed, and schools and vocational centres for over 50,000 students set up. The local people extended hospitality to over 80% of the dislocated. This was truly heart warming.

We appreciate the support we received from our partners.

We would like the pledges made for the displaced to be realized at the earliest.

The relief phase has now given way to facilitated rehabilitation, with nearly half the 2.3 million displaced, already having returned.

Grants of Rs. 25,000 are being disbursed to each family to start their lives afresh.

But this is not enough.

Rebuilding two million livelihoods, and the destroyed infrastructure is the challenge we now face.

It is a challenge that is to be addressed through our own national effort.

We aim to return to the people of Swat, their peace, their pastures and their pristine valleys.

Our vision is to develop Swat as the Switzerland of Asia.

We are committed to this national led effort in which the Government of the North West Frontier Province will take the lead.

I am happy to note that the FoDP is also seized of the matter.

The Senior Officials have deliberated yesterday, the strategy for rehabilitation and reconstruction of Malakand.

The strategy is comprehensive, integrated and multi-sectoral.

The Malakand strategy seeks to bring together the developmental, the social and the administrative elements to rebuild the economic foundation of the region.

It aims to re-establish the region as a tourism hub. It focuses on the youth. It focuses on service delivery for education, healthcare, and on mechanisms to prevent militants from gaining a foothold in the area again.

The requirements of the people of Malakand have to be met urgently. For this we need quick impact projects that bring about a positive change in their lives.

Based on lessons learnt, the Malakand template could serve as a model. Needless to say the strategy will continue to evolve.

Here at Istanbul our partners in FoDP could join and assist the Government of Pakistan in this undertaking.

I also urge our friends to actively participate in the working groups established by the Tokyo Ministerial in the domains of security, development, trade, energy and institutional capacity building. These sectors require urgent attention.

We would appreciate if our friends indicate the sector, programmes and projects that interest them.

The deliberations of the Working Groups can only be meaningful if substantive discussions take place. The assistance and partnership that we seek will have to be delivered on a bilateral basis.

Allow me to share with you our vision of the way forward for FoDP.

One Support for Pakistan's comprehensive strategy for development.

Two The FoDP paradigm of assistance should be comprehensive, cost effective, coordinated and coherent.

This can only be possible if we omit intermediary costs and work with the Government agencies and institutions.

Three Pledges made at the Tokyo Donors Meeting must be realized.

Four Market access for trade enhancement would enable Pakistan's economy to pick up its growth momentum.

Reconstruction Opportunity Zones need to be expedited. Urgent decisions are needed on Pakistan's request for a Free Trade Agreement with EU and pending that granting facilities under the GSP Plus arrangements.

Five To unleash the potential of the private sector for development, Governments should consider offering special incentives to their corporate sectors to partner with the GOP and Pakistani companies on win-win projects and ventures.

Pakistani agriculture and agro-based industry, our services sector, as well as areas of mining, energy and infrastructure development offer assured and attractive returns on investment.

Six Pakistan's developmental plans for FATA and other regions need to be supported and fast tracked.

Seven For greater focus on socioeconomic development Pakistan Development Forum needs to be relaunched and revitalized.

Eight Government's capacity to cater to the requirements of the most vulnerable needs to be enhanced, including through existing mechanisms such as the Benazir Income Support Programme.

Nine FoDP must pay greater attention to people-to-people communication. Promoting and projecting Pakistan's real and rich cultural heritage, while highlighting the positive contribution of the international community in Pakistan's development must assume greater priority.

Excellencies,

We see this Forum as a partnership based on friendship and understanding. It sends a strong message of collective support for Pakistan that we value. FoDP is not a substitute to our bilateral cooperation. It is merely another means to strengthen and further upgrade our bilateral relations.

Next month's Summit will mark the first anniversary of the launching of the FoDP initiative.

At the Summit we look forward to a strong statement of support for Pakistan.

Allow me to once again thank you for your participation. Our special thanks to Turkey, for co-hosting this important meeting.

We look forward to your continued cooperation in making the FoDP process a more dynamic and mutually beneficial enterprise.

I thank you.

25 August 2009. Istanbul. Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

3. Text of the statements of co-chairs at the ministerial meeting of the Friends of Democratic Pakistan (FoDP), Istanbul

A Ministerial Meeting of the Friends of Democratic Pakistan was held in Istanbul on 25 August 2009. The meeting was co-chaired by Foreign Minister Ahmet Davutoğlu of Turkey and Foreign Minister Makhdoom Shah Mahmood Qureshi of Pakistan.

2. Addressing the meeting, Foreign Minister Qureshi recalled the progress made by the FoDP since its launching at the New York Ministerial meeting in 2008, and the Tokyo Ministerial meeting. He stressed the importance of the Istanbul meeting as preparatory to the New York FoDP Summit to be co-chaired by President Barack Obama, Prime Minister Gordon Brown and President Asif Ali Zardari. Foreign Minister Qureshi enumerated Pakistan's vision for socio-economic development and the comprehensive national strategy to consolidate democracy; improve governance; ensure the welfare and well-being of the people as well as to promote peace, stability and prosperity of the region. He expressed thanks for Prime Minister Recep Tayyip Erdoğan's agreement to provide an assessment to the Summit based on the conclusions of the Istanbul Ministerial Meeting of 25 August 2009.
3. Foreign Minister Ahmet Davutoğlu gave a clear and unambiguous message of Turkey's support for the people and Government of Pakistan. He

underlined that the FoDP is a comprehensive process led by Pakistan that is uniquely tailored to address the needs of Pakistan. The Minister stated that the FoDP should also be regarded as a long term effort which however must deliver concretely in the shortest run. Minister Davutoğlu noted that although there had been considerable progress in the work of FoDP group since its formation, much more needs to be done in the context of this dynamic process. He added there was significant convergence in Istanbul regarding the future of the FoDP process.

4. The meeting evaluated the progress made thus far. It agreed to take the FoDP process forward to enable Pakistan to attain its national development goals with the support of its friends. It underscored the need for international and multifaceted partnerships with Pakistan for developing win-win scenarios and broadening the expanse of the engagement to also include the corporate sector.
5. The meeting underscored the importance of Pakistan as an anchor of stability in the region and in the world.
6. The meeting paid tribute to the people of Pakistan for their extraordinary courage and resolve and for Pakistan's unrelenting efforts especially by the law enforcement agencies in Swat and Malakand, to eliminate militancy and terrorism. It expressed solidarity with the people of Pakistan, who were united in their determination to defeat these evils and were endeavouring, in a democratic dispensation, to realize their goals of development and in making Pakistan a progressive, welfare State.
7. It lauded Pakistan's very impressive handling of the issue of displaced persons. More than 1.4 million people have returned to their homes. Pakistan's national efforts in rendering relief and ongoing efforts for rehabilitation and reconstruction were supported.
8. It was reiterated that to win hearts and minds, and signal full support to the affected persons, relief, rehabilitation and reconstruction of the affected areas must assume high priority. The meeting took note of the briefing on the Malakand Strategy, and agreed that its implementation should be fast tracked. It also underscored the importance attached by the international community, especially the friends to support and assist the efforts of the Government of Pakistan for socio-economic uplift of affected areas and to enhance security and promote the well being of the people. In this context the meeting also recognized the role of the Pakistani diaspora in supporting the relief, rehabilitation and reconstruction of affected areas.
9. The meeting welcomed Pakistan's successful transition to full democracy, with a functioning parliament, an independent judiciary, a free media and a vibrant civil society.
10. It reiterated its full support to Pakistan's efforts to realize the vision of a democratic, progressive welfare State, geared towards socio-economic uplift of the people. Promoting good governance, rule of law, economic reform and consolidation of democratic institutions were key to realizing this vision.

11. The meeting underscored the importance of sustainable and equitable socio-economic development and recognized the need for assisting Pakistan in meeting its energy requirements. The meeting welcomed the decision of the Government of Pakistan to relaunch a revitalized Pakistan Development Forum. It recommended a special focus on energy, security and other national priorities.
12. The meeting decided to continue to strengthen and expand cooperation with Pakistan, collectively and individually to enable the country to build upon its inherent strengths, by among other means, helping build the capacity of national and local institutions and assisting in forging durable public-private partnerships.
13. The meeting underscored the continued relevance and importance of the friends process to translate political support and solidarity into tangible programmes and projects on the ground. It was agreed that the broad-based process should be Pakistan-led and responsive to Pakistan's priorities and needs, both in terms of substance and modalities for support and assistance.
14. The meeting recalled the value of public diplomacy and stressed the importance of developing programmes in this context.
15. Taking note of the report of the Senior Officials' Meeting, it requested the working groups under the clusters of energy, development, trade, finance, infrastructure and institutional capacity building to step up analysis, formulation and evaluation of proposals, and prepare recommendations for consideration by Friends.
16. The meeting discussed the following elements for the way forward for the FoDP process:
 - Expressing satisfaction on the launch and evolution of FoDP, the importance of its continuation and invigoration.
 - Building on Pakistan's internal strengths.
 - Forging durable partnerships.
 - Expanding economic opportunities including market access.
 - Realizing of Tokyo pledges
 - Focusing on the energy sector development.
 - Focusing on social sector programmes through a revitalized Pakistan Development Forum.
 - Supporting Pakistan's efforts in building capacity in the security sector.
 - Stressing on a Pakistan-led and Pakistan-driven process responsive to Pakistan's needs
 - Transforming political goodwill and support into programmes and project cooperation
 - Endorsing the key sectors of energy, trade, finance, security, institutional capacity building and development.
 - Supporting Pakistan's comprehensive national strategy for broad-based development in accordance with Pakistan's priorities.
 - Focusing on public diplomacy and communications

- Recognizing Pakistan's importance as a factor of stability in the region, Pakistan's success in addressing the challenges of terrorism and extremism, as well as sacrifices made.
17. The meeting welcomed the holding of the Summit of the Friends of Democratic Pakistan Forum in New York on 24 September 2009. The meeting agreed that the Summit marking the first anniversary of the launch of the initiative by President Asif Ali Zardari in September 2008, would move forward the FoDP process for the benefit of the people of Pakistan.

25 August 2009. Istanbul. Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

4. Text of the concluding statement by co-chairs at the Friends of Democratic Pakistan (FoDP) summit meeting

The Friends of Democratic Pakistan, established as a forum in September 2008, held its first Summit in New York City on September 24, 2009, under the co-chairmanship of President Barack Obama, President Asif Ali Zardari, and Prime Minister Gordon Brown. Also attending were twelve Heads-of Government and senior representatives of nine countries and five multilateral institutions.

1. The Summit Leaders congratulated the people of Pakistan for achieving significant progress in the democratic transformation of their country, and recognized the great significance of democracy to the stability of Pakistan, the region and the global community of nations. They recognized that democracy must be enabled to deliver on the promise of a new hope and for realizing the aspirations of the people for prosperity and peace.
2. Reflecting on the positive Ministerial and senior officials meetings of the Group of Friends in Abu Dhabi in November 2008, in Tokyo in April 2009 and in Istanbul in August 2009 – of whose conclusion Prime Minister Recep Tayyip Erdogan provided his assessment- the Summit Leaders confirmed that the international community, in particular members of the Friends of Democratic Pakistan, would continue to provide political and strategic support to the Pakistani people in their national effort to achieve greater socio-economic development and to overcome the challenges of terrorism, militancy and extremism.
3. The Summit Leaders acknowledged the progress and the sacrifices made by the people of Pakistan in the struggle against terrorism, militancy and extremism. They applauded the united resolve of the Pakistani nation and institutions to eliminate these threats as well as the crucial importance of continued support for them to take the lead. They promised to support and collaborate with Pakistan in these efforts.
4. The Summit Leaders welcomed the announcement by the World Bank and the Government of Pakistan to establish a Multi Donor Trust Fund to provide for a coordinated financing mechanism for donor support of areas

affected by terrorism, militancy, and extremism. They urged bilateral and multilateral partners to extend and co-ordinate this support in order to align fully behind the Government's proposed comprehensive approach.

5. The Summit Leaders recognized the suffering of the Pakistani people due to the prolonged shortfalls in electricity and agreed to assist as a crucial means of support for Pakistan's economic and human development. They agreed that a next focus of the Friends will be to support Pakistan's efforts in formulating a sustainable, integrated energy plan and noted the Asian Development Bank's support in mobilizing the Friends for energy sector assistance. Leaders anticipate a report on energy at the next Ministerial meeting of the Friends.
6. The Summit Leaders expressed solidarity with those affected by terrorism, militancy, and extremism, including the millions of people displaced from their homes in the North West Frontier Province and the Federally-Administered Tribal Areas (FATA). They also recognised further the indirect impact on all people in Pakistan.
7. The Summit Leaders applauded Pakistan's recent success in containing and reversing militancy and terrorism in the Malakand area. It praised, in particular, the special effort made by the Government in designing a strategy for the reconstruction and development of the Malakand Division, in close consultation with the Friends of Democratic Pakistan. The Summit Leaders reinforced their commitments to offering further humanitarian and early recovery assistance for those in need, and also to reconstruction of affected areas in particular in the light of the needs assessments.
8. The Summit Leaders emphasised that the Pakistani Government's long-term strategic approach to security and socio-economic development presents a constructive framework for international co-operation to confront terrorism, militancy, and extremism. The Group of Friends welcomed Pakistan's commitment to quickly develop and implement an integrated and comprehensive approach to address issues of security and development in FATA.
9. The Summit Leaders stressed the need for the Pakistani Government and the Friends to strengthen their partnership in addressing other critical priorities identified by the Government. They welcomed the support of the United Nations for Pakistan's efforts in mobilizing assistance and encouraging partnerships.
10. The Summit Leaders underlined the importance of helping Pakistan enhance, comprehensively, its institutional capacities, and in this context, reaffirmed that the Friends would facilitate a partnership approach.
11. The Summit Leaders welcomed the Pakistani Government's commitment to address the challenge of enabling an effective application of the rule of law across Pakistan as a means of tackling the challenges of extremism and development.
12. The Summit Leaders welcomed the intention of the Government of Pakistan to revive and revitalise the annual Pakistan Development Forum to serve as

a platform for a substantive policy dialogue between Government and international partners on Pakistan's development priorities, including health, education, social protection, inclusive economic growth and strengthening institutions. They welcomed the support of International Financial Institutions, as well as Pakistan's other partners, to assist Pakistan in its development agenda.

13. The Summit Leaders encouraged donors to follow through with their bilateral commitments as pledged in Tokyo in April 2009 to ensure that financial support and development assistance is delivered as soon as possible to the Pakistani people.
14. The Summit Leaders recognised the value of enhanced market access as a means to revive economic activity and to promote the well-being of the people of Pakistan. They agreed to positively consider Pakistan's call for enhanced trade development and market access.
15. The Summit Leaders recognised the importance of promoting engagement by the business sector in Pakistan and other countries to enable Pakistan's socio-economic development. They undertook to encourage, promote and facilitate public-private partnerships and joint ventures, and to engage in sustained dialogue with respective business sectors with a view to removing existing hurdles to trade and investment.
16. The Summit Leaders stressed the value of the Group of Friends of Democratic Pakistan as a political forum to express international solidarity with the Pakistani people's aspiration to build a stable, democratic and prosperous nation. They also stressed the importance of the Group as a catalyst to mobilise concrete support to the Pakistani government and people and to promote better understanding of Pakistan's rich cultural heritage.
17. The Summit Leaders instructed their Foreign Ministers to meet as often as necessary to achieve these aims and to demonstrate the ongoing high level of attention being given to supporting the people of Pakistan.

Issued by the Co-Chairs of the Friends Summit:

President of Pakistan

President of the United States

Prime Minister of the United Kingdom

24 September 2009. New York. Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

INTERFAITH DIALOGUE

Text of the statement by the Foreign Minister Shah Mahmood Qureshi at the ministerial meeting on Interfaith Dialogue and Cooperation for Peace

Mr. Chairman, Distinguished Colleagues,

Ladies and Gentlemen,

I wish to express my gratitude for organizing this meeting on an issue of immense importance for the maintenance of international peace and security, and for the well-being and prosperity of the entire human race.

Mr. Chairman,

2. History is witness that propagation of divisive ideologies inspired by greed and self interest has brought immeasurable misery, death, destruction and animosity within and between peoples through centuries. Even in recent times, we have plenty of sad memories of adventurers causing immense grief to humanity through unbridled pursuit of nefarious ideologies.
3. All along religions have tried to play a soothing role with their pristine message of love, tolerance, equality and respect for human life and dignity. But today, religion itself is under assault. While we are trying to cope with the atmosphere of confrontation generated by proponents of clash of civilizations, misperceptions regarding the ongoing fight against terrorism, prevailing economic crisis and concerns about food security have complicated our task. It has been further exacerbated by outstanding political disputes emanating from foreign occupation, historical injustices and false notions of racial superiority. This toxic brew has generated intense interfaith and intercultural mistrust and tensions.
4. It imposes heavy responsibility on governments, right thinking individuals and organizations of civil society to play their role in promoting harmony, understanding and common human values of love and mutual respect among all faiths, cultures and nations. Pakistan takes this responsibility very seriously.

Mr. Chairman,

5. Notwithstanding their diversity, religions have much more in common which unites us than what divides us
6. We need to build on these commonalities for promoting religious and cultural harmony within and among societies. We thus view the interfaith dialogue in the broader context. In pursuit of this objective, Pakistan has taken several important steps at the national and international level including at the United Nations General Assembly (UNGA) and UN Human Rights Council (HRC). This also includes our joint resolution with Philippines on "Interfaith Dialogue and Cooperation for Peace". At the same time, we recognize the complementarities of different initiatives

aimed at creating understanding and harmony among various faiths and cultures.

Mr. Chairman,

7. We have been meeting at this forum for the last four years. We have made progress in moving forward as a group. The Ministerial meetings help in providing guidance for undertaking targeted and coordinated initiatives at the national and international levels. Last year, we adopted a result oriented programme of work. I am confident that once we are through the implementation phase its positive results will be there for everyone to see.

Mr. Chairman,

8. I wish to avail of this opportunity to apprise this august gathering of various measures being implemented by the Government of Pakistan to promote inter-faith harmony and understanding in line with the programme of work adopted by the Ministerial meeting. These include:
 - The Federal Cabinet, the highest decision making body in the country, has decided to celebrate 11th August every year as Minorities Day to promote understanding and harmony among all segments of society;
 - Interfaith Harmony Committees have been established at local-level, through out the country, with representation of religious leaders from all faiths. The mandate of these Committees is to enhance understanding through joint meetings as well as make recommendations for promotion and protection of the rights of minorities;
 - Interfaith Conferences are periodically organized by the Government at various levels with participation of religious scholars, academicians and activists of civil society organizations;
 - Our fiercely independent and vibrant media provides the conducive ambience for in depth discussion on interfaith issues; and
 - We have established a Benazir Democracy Institute and a Shaheed Benazir Bhutto Foundation to encourage dialogue for creating an inclusive society.

Mr. Chairman,

9. The tendency to defame religions and associate specific cultures and faiths with violence is manifestation of a new and contemporary form of racism and xenophobia. It is a dangerous and divisive trend which has serious implications for international peace and security, particularly in the context of epic ongoing struggle against terrorism. We must endeavour to curb this tendency, and continue efforts aimed at promoting interfaith harmony, understanding and accommodation. Pakistan expresses its full commitment to this noble cause.

Thank you.

25 September 2009. New York. Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

GROUP OF 77

Text of the statement by Foreign Minister Shah Mahmood Qureshi, at the 33rd meeting of the foreign ministers of the group of 77 and china

Mr. Chairman,
H.E. Ban Ki Moon, Secretary General of the United Nations,
Excellencies,

Ladies and Gentlemen,

At the outset, let me convey Pakistan's profound appreciation to you and your colleagues for Sudan's able stewardship of the Group during this year.

2. I would also like to thank the UN Secretary General for his presence with us today and for his personal commitment to advancing the global development agenda and the noble principles and purposes of our Charter.
3. The global development scenario remains complex. The development emergency, in particular, that we faced, when we met last year, has not relented. It is expected to persist, perhaps with less intensity for some, as there are hopeful preliminary signs of recovery. Unfortunately, for others including many in this Chamber, it may just be the beginning of the crisis. This will continue to influence our work in the year ahead.

Mr. Chairman,

4. Clearly, there is no room for complacency. In fact, we see an urgent imperative to revisit our approach and strategy to address these daunting challenges that we confront in the developing world.
5. We need to highlight, with renewed vigor the inextricable linkages between peace and development, the central role that the UN can and must play in advancing the broad development agenda and in promoting a genuine and enhanced global partnership for development.
6. Over the past several years, successive Group Chairs have done well to maintain the unity and integrity of the Group in the face of growing pressures generated by a complex interplay of issues and increasingly divergent national positions.
7. We should continue to assign highest priority to preserving the solidarity and unity of the Group in future as well. This should be the centerpiece of our strategy for the year ahead.
8. I shall touch upon some of the key issues that we believe would influence and shape our work during the new Session.

Mr. Chairman,

9. The Outcome of the UN Conference on the World Financial and Economic Crisis and its Impact on Development provides us the framework, direction and timelines for actions needed to combat the adverse impacts of the global financial and economic crisis.
10. A welcome first step, marking the start of an important process is the establishment of the Open Ended Working Group of the General Assembly.
11. We look forward to the Working Group starting its work at the earliest to follow up on the implementation of commitments made at the Conference to mitigate the impact of the crisis in the short term and to address systemic and structural weaknesses of the global financial and economic architecture.
12. To navigate through this age of economic turbulence and to generate the kind of economic sustainability that we need, the world must unleash the potential of trade as a powerful engine of economic growth and development.
13. Unfortunately, the breakdown in the Doha Round of Trade Negotiations robs us of this opportunity to use trade as a vehicle for stimulating consumption, production and generating employment - the essentials to pull the world out of present recession. In addition, there are growing signs of protectionism either due to the ongoing economic and financial turmoil or under the guise of addressing climate change. These are retrogressive measures. They would negatively impact upon the growth prospects of the developing countries, and do not bode well for the success of the Doha round of trade talks.
14. An all round effort involving all the stakeholders is, therefore, needed to provide the much needed political propulsion to break the long-standing deadlock in the WTO negotiations and to bring the Round to an early, successful, and truly development oriented conclusion.
15. Similarly, in this resource constrained and knowledge driven world, easy access to and transfer of technology is the other source of hope for building requisite capacities among the poor to empower them to effectively pursue better living standards.
16. We need to also collectively reflect on how best we can advance our common interest of accessing technology and securing its transfer, including through steps to overcome the constraints imposed by global IPR regime.

Mr. Chairman,

17. It is indeed a matter of satisfaction that the Group has successfully maintained a common vision and approach on the vital and complex challenges posed by Climate Change and Sustainable Development. Pakistan was honoured to have contributed to the adoption of the Bali Plan of Action, as we did at the Rio Summit, back in 1992, as the Chair of the Group of 77 and China.

18. Bali is the most recent manifestation of international community's resolve to combat Climate Change, through a concerted global action. Some feel that the process has in fact drifted away from the spirit witnessed at Bali . This is unfortunate, as Bali provided us with a credible and universally acceptable framework, built on four pillars of enhanced action on mitigation, adaptation, financing and technology transfer and development.
19. Most developing countries do not currently have the financial resources, technological know-how and institutional capacity to switch to low emission and high growth pathways. Pakistan believes that a globally agreed outcome, at a speed commensurate with the urgency of the climate change challenge, is the only way out of this complex and difficult situation.

Mr. Chairman,

20. We look to Copenhagen with a determination to reach a consensus. Indeed, all of us will have to contribute. Developed countries, by committing to obligatory, time bound, deep and verifiable emission reductions as well as commitments on transfer of technology, capacity building, in terms of human and infrastructure development, and sufficient and adequate financial assistance for developing countries to adapt to climate change; Developing countries, by committing to introduce low-carbon strategies in their socio-economic growth plans and undertaking voluntary measures on mitigation and adaptation, subject to availability of finance and technology transfer.
21. Climate Change has also added a new dimension to the vulnerability debate. The situation demands an ever more vigilant monitoring of the global scenario with a view to accurately assess the country vulnerabilities and how various vulnerabilities particularly those related to Climate change are impacting the poor countries.
22. We support a new, comprehensive, science based approach to vulnerability covering physical, economic and climate related aspects. Such an approach, we believe, would allow for more effective and equitable allocation of resources.

Mr. Chairman,

23. We also welcome the inclusion of agriculture development and food security as a new agenda item in the Second Committee this year. As an agrarian economy, for us, agriculture holds the key to poverty reduction. Hence, we believe that there is a need to adequately and urgently address agriculture development and food security issues in the context of national and international development policies.
24. Recognizing this, Pakistan gladly co-sponsored the resolution that established this new agenda item. Bringing food security discussions to UN, we believe, is an important and timely step towards making the UN, a truly dynamic organization seized of real life issues.

25. In the same vein, my delegation would also support giving greater attention to health, particularly non-communicable diseases in our discussions in the General Assembly.
26. The 64th Session would also mark the commencement of the preparatory process for the 2010 UN Summit . A decision to convene the Summit has already been adopted by the General Assembly. Pakistan favours a broadly framed and focused Summit instead of a MDG specific event, as originally proposed.
27. Mainly, because we believe that the development emergency and other sustainable development challenges that the world confronts today warrant a broadly framed Summit focusing on the whole range of development issues as a sequel to the Millennium and World Summits. This will be well-placed, as a number of MDG related events have already taken place since the 2005 World Leaders Summit.
28. Pakistan has also been closely involved in the UN System-wide Coherence process both as one of the Co-Chairs of the Panel that produced the original report and also as a Pilot for the 'One UN at Country Level'. We welcome the progress achieved thus far and look forward to concrete results during the 64th session.
29. We strongly feel that the main objective of this exercise is to develop an effective and coherent UN development cooperation system that is responsive to the national development plans and strategies of the developing countries. This objective may not be achieved without meaningfully addressing the issue of funding, which is the root cause of incoherence and fragmentation of UN development assistance.
30. The International Environmental Governance debate, which was shifted to Nairobi, after lack of progress here in New York early this year, is another area of interest for Pakistan. As a member of the Ministerial Working Group established in Nairobi to work on IEG issues, we look forward to engaging in these discussions both in Nairobi and here in New York.

Mr. Chairman,

31. Pakistan accords high priority to South-South cooperation as a manifestation of solidarity of countries of the South. During its chairmanship of the Group of 77 and China in the year 2007, Pakistan had particularly focused on giving due prominence to this aspiration for collective self-reliance among countries of the South.
32. The South's significance in global economy has enlarged exponentially, mainly due to emerging economies. This has opened up new opportunities as well as new challenges for developing countries. Now many developing countries are investing their surpluses in other developing countries. Many are engaged in extensive development cooperation. We need to further propel these efforts.
33. The Second UN Conference on South-South Cooperation will be an important opportunity to address these challenges and consolidate positive

trends. We would like to thank the Government of Kenya for its generous offer to host the Conference.

Mr. Chairman,

34. We are also confident that the Group will display its traditional unity during the discussions on the scale of assessment and the budget. The ongoing financial and economic crisis has imposed significant challenges on developing countries in general and Pakistan in particular. Pakistan, therefore, proposes to maintain the current scale of assessment.
35. Finally, let me take this opportunity to congratulate fraternal Yemen for being elected as the Chair of G-77 and China for 2010. We are confident that in pursuing an imposing development agenda during 2010, Yemen will be guided by the principle of transparency and inclusiveness and deep commitment to the preservation and promotion of Group's unity, which Sudan, Antigua and Barbuda and Pakistan and other preceding Chairs of our Group have been able to resolutely uphold in the past.

I thank you Mr. Chairman.

25 September 2009. New York. Ministry of Foreign Affairs, Government of Pakistan, www.mofa.gov.pk

OIC

Text of the statement by Foreign Minister Makhdoom Shah Mahmood Qureshi at the annual coordination meeting of the (OIC) foreign ministers

Honourable Mr. Chairman,
Distinguished Secretary General,
Excellencies,
Ladies and Gentlemen,

At the outset, I would like to thank you, Mr. Chairman, and the Secretary General, for organizing this Annual Coordination Meeting of the OIC Council of Foreign Ministers.

I would also like to congratulate Syria on successful hosting of the 36th Session of the Council of Foreign Ministers (CFM) in Damascus and on assumption of Chairmanship of the OIC Group in New York. I assure you my delegation's full cooperation in facilitating your work.

Mr. Chairman,

Today is a historic day. Forty years ago on this day, the leaders of Islamic Ummah gathered in Rabat and resolved to strengthen the bond of unity and solidarity among the Muslim people, to respect, safeguard and defend the national sovereignty, independence and territorial integrity of all member states.

It is, therefore, a moment to celebrate and to reflect on our achievements as well as shortcomings.

Over the years, the OIC has emerged as the second largest Inter-governmental Organization after the United Nations. It has made significant contribution to the UN efforts in maintaining international peace and security, in promoting Islamic causes and in protecting Muslim minorities through out the world.

It gives me great satisfaction that Pakistan has worked shoulder-to-shoulder with our brethren in the conceptualization, building and strengthening of various institutions of the Organization. We have also played our role in the continuing process of reform and restructuring of the Organization including the adoption of its Charter last year to prepare the Organization to face challenges and to benefit from the opportunities offered by a highly competitive world in the 21st century.

Notwithstanding our achievements, we have to go a long way in realizing the full potential of the OIC. Muslim states are endowed with enormous human and natural resources. But in terms of educational achievements and technological advancement, we remain at the bottom. It must change. And change quickly. For this to happen, we need to give top priority to investments in education and human resource development to transform our youthful population into an engine of change and prosperity in the 21st century.

Mr. Chairman,

Terrorism is scourge of our times. Pakistan as a frontline state has paid a heavy price in confronting this menace. More than two thousand soldiers have laid down their lives in the line of duty. And we have lost our most popular and charismatic leader, Mohtarma Benazir Bhutto Shaheed, to a terrorist's bullet. The tragedy has only solidified our resolve to uproot terrorism and extremism from our society and the region at large.

Terrorism does not grow in vacuum. It nourishes on ignorance, deprivation, injustice and helplessness. Lingering political disputes resulting from historical injustices, add fuel to fire. We must address the root causes which are creating this monster. We also need to ensure social justice, quality education and provision of economic opportunities to our young people to give them hope for a better future.

Mr. Chairman,

The global challenges require global responses. The United Nations is best suited to meet these challenges. The UN needs to be reformed and strengthened to fulfill its mandate and cope with new and emerging challenges. The international economic architecture also needs to be reformed to meet the challenges posed by a globalized, interdependent and interconnected world.

The UN Security Council reform is a matter of significant concern to all member states. Pakistan supports comprehensive reform of the Security Council to make it more representative, democratic, effective, transparent and

accountable to the UN membership. We, however, must guard against creating more centers of privileges under the garb of reform.

The OIC has a legitimate demand for representation on the Council to defend and promote interest of Muslim States. The proposal submitted by UfC in the Inter-governmental negotiations would ensure adequate representation of OIC on the Security Council.

The Palestinian tragedy is festering extreme discontent in the Muslim world. There must be an early end to the sufferings of the Palestinian people. Their legitimate aspirations for dignity, self-determination and a sovereign State of Palestine with Al Quds al Shariff as its capital must be honoured.

Mr. Chairman,

Pakistan remains committed to a just and peaceful resolution of the Jammu and Kashmir dispute in accordance with the UN Security Council Resolutions which sanctify Kashmiri people's right to self-determination. We are extremely concerned on the continued human rights violations and mass arrests in Indian Occupied Kashmir. We look forward for an early resumption of a meaningful and uninteruptable dialogue between Pakistan and India to resolve all outstanding disputes including the Kashmir issue dividing our two countries.

We are thankful to the OIC for its consistent support to the Kashmiri people's just struggle for their right to self-determination. We are confident that the Muslim Ummah would continue to support the Kashmiri brethren for a just and durable solution of the Kashmir dispute.

Mr. Chairman,

It has become fashionable to stereotype Islam and Muslims as Islamo-fascists and terrorists. This negative campaign has inflicted heavy emotional and psychological cost on millions of Muslims. The defamation of Islam and its sacred personalities under the guise of freedom of expression is a new and contemporary form of discrimination, intolerance and xenophobia.

As civilized societies, we must exercise our freedom judiciously and within the parameters of international accepted norms. We strongly support the OIC's efforts aimed at exploring the possibility of evolving a binding international framework to prevent the defamation of all religions and sacred personalities.

Mr. Chairman,

Let me conclude by saying that the OIC has a bright future. As a representative body of 57 Muslim states, it has to play a proactive role in projecting the Muslim causes and in facilitating just and peaceful solution of disputes involving Muslim people and countries. Pakistan would be happy to play its role in making OIC a truly effective and vibrant organization in line with aspiration of 1.5 billion Muslims throughout the world.

Thank you.

25 September 2009. New York. Ministry of Foreign Affairs, Government of Pakistan,
www.mofa.gov.pk

II. Judiciary

Text of the Supreme Court Order

The following is the text of the order issued by the Supreme Court of Pakistan on petitions challenging the National Reconciliation Ordinance:

The bench

Mr. Justice Iftikhar Muhammad Chaudhry, CJ, Mr Justice Javed Iqbal, Mr Justice Sardar Muhammad Raza Khan, Mr Justice Khalil-ur-Rehman Ramday, Mr Justice Mian Shakirullah Jan, Mr Justice Tassaduq Hussain Jillani, Mr Justice Nasir-ul-Mulk, Mr Justice Raja Fayyaz Ahmed, Mr Justice Ch. Ijaz Ahmed, Mr Justice Muhammad Sair Ali, Mr Justice Mahmood Akhtar Shahid Siddiqui, Mr Justice Jawwad S. Khawaja, Mr Justice Anwar Zaheer Jamali, Mr Justice Khilji Arif Hussain, Mr Justice Rahmat Hussain Jafferri, Mr Justice Tariq Parvez, and Mr Justice Ghulam Rabbani.

Constitution Petition Nos 76 to 80 of 2007 & 59/2009, and Civil Appeal No 1094 of 2009 (On appeal from the order dated 15.1.2009 passed by High Court of Sindh at Karachi in Const.P.No.355 of 2008), and HRC Nos 14328-P to 14331-P & 15082-P of 2009.

Petitioners

Dr. Mobashir Hassan, (Const.P.76/07); Roedad Khan, (Const. P.77/07); Qazi Hussain Ahmad, (Const.P.78/07); Muhammad Shahbaz Sharif, (Const.P.79/07); Muhammad Tariq Asad, (Const.P.80/07); Syed Feroz Shah Gillani (Const.P.59/09); Fazal Ahmad Jat, (C.A.1094/09); Shaukat Ali, (H.R.C.14328-P/09); Doraiz, (H.R.C.14329-P/09); Zulqarnain Shahzad, (H.R.C.14330-P/09); Abid Hussain, (H.R.C.14331-P/09); Manzoor Ahmad, (H.R.C.15082-P/09)

Versus

Federation of Pakistan, etc

For the petitioners

Mr Abdul Hafeez Pirzada, Sr. ASC, Mr Suleman Akram Raja, ASC, Mr Ejaz Muhammad Khan, AOR.

Assisted by:

Abdul Mujeeb Pirzada, Sr. ASC; Mr M.Afzal Siddiqui, ASC; Mian Gul Hassan Aurangzeb, ASC; Mr Sikandar Bashir Mohmand, ASC; Barrister Feroze Jamal Shah, Adv; Mr. Hameed Ahmeed, Adv; Mr Mustafa Aftab Sherpao, Adv; Mr Sameer Khosa, Adv; Mr Umar Akram Chaudhry, Adv;

Malik Ghulam Sabir, Adv (in Const. P. 76/2007); Mr Muhammad Ikram Ch, ASC; Mr. G. N. Gohar, AOR, (in Const. P. 77/2007); Dr Farooq Hassan, Sr. ASC; Mr Hashmat Ali Habib, ASC; Ch Muhammad Akram, AOR, (in Const.P.78/07); Mr Ashtar Ausaf Ali, ASC, (In Const.P.79/07); Mr Tariq Asad, ASC (in person), (In Const.P.80/07); Mr A.K. Dogar, Sr ASC, (In Const.P.59/09); Mr Shahid Orakzai (in person), (In CMA 4842/09); Raja Muhammad Ibrahim Satti, Sr. ASC, (in CA.1094/2009); NEMO (in HR. cases)

For the respondents

For M/o Law: Mr Kamal Azfar, Sr. ASC, assisted by Mr. K.K. Agha, ASC.
Raja Abdul Ghafoor, AOR, (in Const.P.76-77/07); Raja Abdul Ghafoor, AOR, (in Const.P.78-80/07 & 59/09)

For the NAB

Dr Danishwar Malik, PG; Mr Abdul Baseer Qureshi, Addl PG; Dr Asghar Rana, ADPG; Ch Akhtar Ali, AOR; Mr Naveed Ahsan, Chairman NAB.

On Court Notice: Mr Shah Khawar, Acting Attorney General for Pakistan assisted by: Agha Tariq Mehmood Khan, DAG; Mr Dil Muhammad Alizai, DAG; Raja Aleem Abbassi, DAG.

For Govt of Balochistan

Dr Salahuddin Mengal, AG.

For Govt of NWFP

Mr Zia-ur-Rehman, A.G; Mr Zahid Yousaf, Addl. A.G; and Mr Naveed Akhtar, A.A.G.

For Govt of the Punjab

Mr M. Hanif Khattana, Addl, AG; Ch Khadim Hussain Qaiser, Addl, AG.

For Govt of Sindh

Mr Yousaf Leghari, AG.

On Court's Call

Malik Muhammad Qayyum, Sr ASC, former attorney general for Pakistan, Mr Justice (R) M Riaz Kiani, Secretary Law & Justice; Dr Riaz Mehmood, Sr Joint Secretary; Syed Nasir Ali Shah, Solicitor General; Mr M. Salman Faruqi, Principle Secretary to the President.

Amicus Curiae

Mian Allah Nawaz, Sr ASC; Mr Shaiq Usmani Sr. ASC; Mr M. Sardar Khan, Sr. ASC, assisted by Mr Idrees Ashraf, Adv.

Dates of hearing

07th -10th & 14th - 16th December, 2009.

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.— The above titled Constitution Petitions have been filed under Article 184(3) of the Constitution of Islamic Republic of Pakistan [hereinafter referred to as ‘the Constitution’] challenging the constitutionality of the National Reconciliation Ordinance (No.LX) 2007 [hereinafter referred to as ‘the NRO’], while HR cases and Civil Appeal, by leave of the Court, have been filed by the applicants/appellant for extension of benefit of the NRO to them.

2. Succinctly stating the facts, giving rise to instant proceedings, are that on 5th October, 2007, the President of Pakistan, in purported exercise of powers conferred by clause (1) of Article 89 of the Constitution, issued the NRO, whereby, certain amendments have been made in the Criminal Procedure Code, 1898, the Representation of the People Act, 1976 and the National Accountability Ordinance, 1999 [hereinafter referred to as “the NAB Ordinance”]. By means of Section 2 of the NRO, Section 494 of Cr.P.C. has been amended. Likewise, vide Section 3 of the NRO, Section 39 of the Representation of the People Act, 1976 has been amended. Similarly, Sections 4, 5 & 6 of the NRO amended Sections 18, 24 and 31A of the NAB Ordinance, respectively, whereas by means of Section 7 of the NRO, Section 33F has been inserted in the NAB Ordinance.
3. The NRO came under challenge, as stated above, before this Court, through listed petitions. These petitions came up for hearing before the Court on 12th October, 2007 when after hearing the learned counsel for the petitioners, the Court proceeded to issue notices to the respondents as well as to Attorney General for Pakistan, for a date in office after three weeks, while making the following observation:-

“however, we are inclined to observe in unambiguous terms that any benefit drawn or intended to be drawn by any of the public office holder shall be subject to the decision of the listed petitions and the beneficiary would not be entitled to claim any protection of the concluded action under Sections 6 and 7 of the impugned Ordinance, under any principle of law, if this Court conclude that the impugned Ordinance and particularly its these provisions are ultra vires the Constitution”.

4. Pending decision of these petitions, on 3rd November, 2007, emergency was proclaimed in the country by the then President of Pakistan and also the Chief of Army Staff and under the garb of Provisional Constitution Order, 2007, Provisional Constitution (Amendment) Order, 2007 was issued, whereby, Article 270AAA was inserted in the Constitution, which provided protection to all the laws including the Ordinances in force on the day on which the Proclamation of Emergency of 3rd November 2007 was revoked. As a result of above constitutional amendment, the apparent interest was that the NRO should attain permanence. The Proclamation of Emergency as well as other extra-constitutional instruments were challenged before this Court in the case of Tikka Iqbal Muhammad Khan v. General Pervez

Musharraf (PLD 2008 SC 178), when the Court declared the Proclamation of Emergency of 3rd November, 2007, the Provisional Constitution Order, 2007, Provisional Constitution (Amendment) Order, 2007, the Oath of Office (Judges) Order, 2007 and the President's Order No.5 of 2007, to be validly enacted. However, this Court, vide its judgment dated 31st July 2009, in the case of Sindh High Court Bar Association v. Federation of Pakistan (PLD 2009 SC 879) declared all the above five instruments to be unconstitutional, illegal and void ab initio, as a result whereof Article 270AAA stood deleted from the Constitution. Consequently, the NRO, as well as 37 other Ordinances, which were meant to be protected, were shorn of the permanency purportedly provided under Article 270AAA of the Constitution and sanctified by the judgment passed in Tikka Iqbal Muhammad Khan's case (ibid). However, through the same judgment, this Court, while supporting the doctrine of trichotomy of powers, as envisaged in the scheme of the Constitution and to prevent any disruption, enabled the Parliament to reconsider and, if thought fit, to enact, all the 37 Ordinances including the NRO, as Acts of Parliament. For this purpose the life of the Ordinances stood extended for another 120 days (in case of Federal Legislation) and 90 days (in case of Provincial Legislation). This constituted an opportunity to the democratic Government at the Centre and in the Provinces to legitimize the acts, actions, proceedings and orders, initiated, taken or done, under those Ordinances, by placing them before the Parliament, to make them enactments of Parliament, with retrospective effect.

5. In pursuance of above judgment of 31st July, 2009, the NRO was placed before the Standing Committee of the National Assembly on Law & Justice, in its meeting held on 29th & 30th October, 2009. During the discussions and deliberations, some of the members did not agree with the decision of the Committee and left the proceedings in protest. However, ultimately, on 2nd November, 2009 the Committee recommended that, after the proposed amendments in the Bill for enacting the NRO, the same may be passed by the Assembly. It is pertinent to mention here that despite finalization of the report of the Standing Committee on NRO and before its approval by the Chairperson of the Committee, the Minister concerned withdrew the Bill under Rule 139 of Procedure & Conduct of Business in the National Assembly, 2007. As a result, the NRO could not be passed by the Parliament, within its extended life, therefore, it lapsed.
6. The petitioners in these Constitution Petitions have challenged the vires of the NRO with the prayer that the same may be declared ultra vires the Constitution, void ab initio and of no legal effect. For convenience, the prayer made in Constitution Petition No. 76 of 2007, filed by Dr. Mubashir Hassan, is reproduced herein below:-
 - “1) Section 2, 4, 5, 6 & 7 of the NRO may kindly be declared to be void ab initio, of no legal effect and ultra vires the Constitution, in particular Articles 25, 62, 63 and 175 thereof.

- 2) During the pendency of the instant petition, the respondents may kindly be restrained from taking any action under or in terms of the impugned Ordinance. The respondents may in particular, be restrained from withdrawing any request for mutual assistance and civil party, letters rogatory and like issued to any Foreign Government, Court or other Authority or Multilateral Organization.
 - 3) Any other order deemed beneficial to the interest of Justice and equity, may also kindly be made.
7. The instant petitions came up for hearing before this Bench on 7th December 2009, when Mr Shah Khawar, Acting Attorney General for Pakistan, placed on record a written statement on behalf of Federation of Pakistan. Relevant paras therefrom are reproduced herein below:-
- “2. That the Federation believes in supremacy of the Constitution of 1973 and the Parliament.
3. That the National Reconciliation Ordinance, 2007 was promulgated by the previous regime and I am under instruction not to defend it.”
8. Mr. Kamal Azfar, learned Sr. ASC appearing on behalf of the Federation of Pakistan, through Ministry of Law & Justice, filed Civil Misc. Applications No. 4875 & 4898 of 2009 in Constitution Petitions _No. 76 & 77 of 2007. Contents of paras at page 11 & 12 of the said applications are reproduced herein below:-
- “If however, this Hon’ble Court wishes to rule upon wider issues other than those raised in the petition and prayer the Federation requests that fresh petitions be filed precisely stipulating these issues whereupon the Federation will seek instructions on such new petition.
- Pak Today is poised at the cross roads. One road leads to truly federal democratic welfare state with the balance of power between an Independent judiciary, a duly elected Govt. representing the will of the people, a determined executive which is fighting the war against terrorism and poverty. The second road leads to destabilization of the rule of law. The people of Pakistan await your verdict.”
- When we confronted the learned counsel with above contents of his applications, he requested that the same may be treated as deleted. In this behalf, he, however, filed a written statement, contents whereof are reproduced herein below for ready reference:-

STATEMENT

In Compliance of the orders of the Hon’ble Supreme Court of Pakistan to appraise the Hon’ble Court as to how the Federation would interpret the wording “the second road leads to the destabilization of the rule of law”, it is submitted as follows:-

There is no mention of the wording ‘threat to democracy’ in the Statement.

The Federation supports the Prosecution, in accordance with law, of persons alleged to have done wrong doing. The Federation does not oppose the

Petitions seeking a declaration that the National Reconciliation Ordinance 2007 (NRO) is illegal and unconstitutional.

With regard to the “wider issues” mentioned in paragraph No.9 these refer to those matters which were raised by the Petitioner’s counsel during oral arguments and which find no mention whatsoever in the Petitions. For example, submissions made in respect of Articles 89 (in particular the alleged concept of “implied Resolution”) and A.264 on the effect of Repeal.

The Federation’s view is that those who have benefited under the NRO should be proceeded against under the appropriate laws before the courts having the competent jurisdiction. As factual matters need to be determined by the trial courts.

So far as my comments made yesterday before this Hon’ble Court concerning the threat from GHQ, the CIA and the contents of paragraph 9 of the CMA are concerned these were my personal views and were not made on the instructions of the Federation of Pakistan. As such I withdraw the same, which should not be considered by this Hon’ble Court in any manner whatsoever and the same should be deleted and expunged from the record.

It is emphasized that the Federation of Pakistan holds this Hon’ble Court in the highest esteem and has the greatest respect for the same.”

9. Learned Advocates General of Punjab, Sindh, NWFP and Balochistan appeared and supported the stance taken by the Attorney General for Pakistan.
10. We have heard the learned counsel for the parties at length and have also gone through the material placed on record in support of their submissions.
11. As it has been noted above that challenge to NRO was thrown by the petitioners, no sooner same was promulgated by the President and admission order dated 12th October, 2007, was passed, to examine following questions:-
- “2. Mr Salman Akram Raja, learned counsel appearing on behalf of petitioner in Constitution Petition No. 76 of 2007 argued that:-
 - a) Section 7 of the impugned Ordinance being self-executory in nature amounts to legislative judgment, which is impermissible intrusion into the exercise of judicial powers of the State and thus falls foul of Article 175 of the Constitution which envisages separation and independence of the judiciary from other organs of the State.
 - b) Legislative judgment cannot be enacted by the Parliament. [Smt. Indira Nehru Gandhi v. Raj Narain (AIR 1975 SC 2299)].
 - c) By promulgating Section 7 of the impugned Ordinance, Article 63(1)(h) and 63(1)(l) of the Constitution have been made ineffective, as regards chosen category of people, therefore, it is ultra vires the Constitution as it amounts to defeat the constitutional mandates.
 - d) Impugned Ordinance exhorts about or indemnifies a particular class of people i.e. public office holders from proceedings, actions and orders passed by the competent authorities, whereas no such powers are available to the Parliament or, for that matter, to the President of

Pakistan under Federal or Concurrent Legislative List. Further, the President is empowered only to pardon an accused person, under Article 45 of the Constitution, after passing of sentence by a Court of law, whereas by means of impugned Ordinance, the President has been empowered to indemnify or pardon an accused, against whom proceedings are pending before Investigating Agency or a Court of law or in appeal by giving a blanket cover.

- e) The impugned Ordinance violates the provisions of Article 25 of the Constitution because it is not based on intelligible differentia, relatable to lawful objects, therefore, deserves to be struck down.
- f) The impugned Ordinance is against the public policy because it also provides protection against future action in terms of its Section 7 and it had also rendered Articles 62 and 63 of the Constitution ineffective.
- g) Sub-sections (2) and (3) of Section 494 of Cr.P.C. added by means of impugned Ordinance are contrary to provisions of Sub-section (1) of Section 494 of Cr.P.C. where it has been provided that cases can only be withdrawn with the consent of the Court, whereas, in newly added Sub-Sections, powers of the "Court" have been conferred upon the Review Boards of the Executive Bodies, therefore, these Sub-sections are also contrary to Article 175 of the Constitution and no criteria has been laid down as to why the cases falling between the 1st day of January 1986 to -- 12th day of October 1999 have been covered under these provisions, inasmuch as definition of political victimization has not been provided in these Sub-sections, as a result whereof it has been left at the subjective consideration of Review Board/Executive Bodies to determine the same. Thus such provisions cannot exist in any manner.
- h) The impugned Ordinance has been promulgated in colorable exercise of Legislative powers and its various provisions have created discrimination among ordinary and classified accused, therefore, all these provisions tantamount to malice in law.i)
- i) The provisions of impugned Ordinance are so overbroad that these have provided blanket cover to all the holders of public offices, including chosen representatives and ordinary employees, therefore, the object of national reconciliation cannot be achieved by allowing it to exist.
- j) The provisions of Sections 4 and 5 of the impugned Ordinance are highly discriminatory in nature, therefore, are liable to be struck down.
- k) Section 6 of the impugned Ordinance is contrary to the basic principles relating to annulment of judgments, even if passed in absentia, in accordance with existing law, according to which unless the basis for the judgment, in favour of a party, is not removed, it could not affect the rights of the parties, in whose favour the same was passed but when the Legislature promulgated the impugned Ordinance, in order to remove the basis on which the judgment was founded, such judgment

shall have no bearing on the cases. [Facto Belarus Tractor Ltd. v. Government of Pakistan (PLD 2005 SC 605)]. Hence, provisions of the impugned Ordinance as a whole are against the concept of equality of Islamic Injunction, provided under Article 2A of the Constitution, therefore, on this score as well, deserves to be struck down being ultra vires the Constitution.

3. Mr. Muhammad Ikram Chaudhry, learned Sr. ASC for petitioner in Constitution Petition No. 77 of 2007, while adopting the above arguments, added that :-
 - i) The impugned Ordinance is purpose specific and period specific, therefore, violates Article 25 of the Constitution.
4. Dr. Farooq Hassan, Sr. ASC appearing in Constitution Petition No. 78 of 2007 on behalf of petitioner, while adopted the arguments raised by Mr. Suleman Ahmed Raja, ASC contended that:-
 - i) The impugned Ordinance is contradictory to and violative of the United Nation's Convention Against Corruption, enacted in 2005 and ratified by Pakistan on 31st of August 2007.
 - ii) Under the Constitution, no indemnity or amnesty can at all be given to any one, except granting pardon in terms of Article 45 of the Constitution.
 Sections 2, 4, 5 and 6 of the impugned Ordinance are violative of the doctrine of trichotomy of powers.
 The impugned Ordinance has in fact changed the basic structure of the Constitution.
 The impugned Ordinance has also violated the principles of political justice and fundamental rights because it allows plundering of national wealth and to get away with it. More so, it tried to condone dishonesty of magnitude which is unconscientious and shocking to the conscience of mankind.
5. Mr. M.A. Zaidi, AOR appeared on behalf of Mr. Muhammad Akram Sheikh, Sr. ASC in Constitution Petition No.79 of 2007 and adopted the above arguments of the learned counsel for the petitioners.
6. Mr. Tariq Asad, ASC appearing in Constitution Petition No. 80 of 2007 also adopted the above arguments, while adding that:-
 - a) The impugned Ordinance has been promulgated on the basis of personal satisfaction of the President of Pakistan but for extraneous reasons and to provide indemnity/immunity to the public office holders, therefore, is liable to be struck down.
12. Subsequent thereto cases remained pending except when their hearing was fixed on 27th February, 2008 and order dated 12th October, 2007, was vacated in following terms:-

“3. These Constitution Petitions are adjourned to a date in office due to indisposition of the learned counsel for the petitioners. Meanwhile, in view of the rule laid down in the case of Federation of Pakistan vs. Aitzaz Ahsan (PLD 1989 SC 61), the observations made by this Court

in Para 8 of the order dated 12.10.2007 in Constitution Petitions No.76-80 of 2007 to the effect that “however, we are inclined to observe in unambiguous terms that any benefit drawn or intended to be drawn by any of the public office holder shall be subject to the decision of the listed petitions and the beneficiary would not be entitled to claim any protection of the concluded action under Sections 6 and 7 of the impugned Ordinance, under any principle of law, if this Court conclude that the impugned Ordinance and particularly its these provisions are ultra vires the Constitution” are deleted. Resultantly, the Ordinance shall hold the field and shall have its normal operation. The Courts and authorities concerned shall proceed further expeditiously in the light of the provisions of the Ordinance without being influenced by the pendency of these petitions.”

13. As it has been noted above that while deciding the case of Sindh High Court Bar Association (ibid), all the Ordinances which were not laid before the Parliament, on account of insertion of Article 270AAA in the Constitution, were shorn of permanency, therefore, the Parliament was asked to examine all such Ordinances within a period of 120 and 90 days, as the case may be, commencing from 31st July, 2009, when a 14 Member Bench announced judgment. The period so assigned by the Court expired on 28th November, 2009 but the NRO was taken back from the Parliament, leaving for this Court to examine its constitutionality in the cases listed above. It is a cardinal principle of jurisprudence that courts are not required to give decisions of cases in vacuum rather it has to consider facts as well, giving a cause to a person to approach Courts. The NRO gave benefits to a class of people, whose identification is not difficult to ascertain, namely accused persons, involved in criminal and corruption cases, during the period commencing from 1st January, 1986 to 12th October, 1999 and this classification has created a divide amongst ordinary citizens of Pakistan and a class of alleged criminals who statedly have committed crimes of murder, dacoity, rape, looting/plundering of money/resources of this nation. Therefore, prima facie, to understand the nature of such beneficiaries, Federal Government, Provincial Governments and the NAB were asked to provide details in this behalf. In response to such query the Government of Sindh through its Advocate General filed a large list of such like accused, who being charged for the cases of criminal nature, benefited from the NRO, which included heinous and minor crimes, as well. As far as the remaining Governments and the Federating Units are concerned, they categorically denied extension of benefits of the NRO to even a single accused in their respective jurisdictions. However, NAB has submitted a list containing names of 248 persons, who benefited from the NRO within and outside the country. A cursory perusal of this list suggests that barring the cases inside the country, huge benefit has been availed by some of the persons in the cases pending against them outside the country. At this stage it is to be noted that application of the NRO, beyond the territories of the

country, is a question which requires consideration on jurisdictional plane of this Court as well. NAB has also provided a list of the persons, who were convicted in absentia under Section 31A of the NAB Ordinance.

14. In depth examination of the NRO suggests that it has not been promulgated to provide reconciliation on national basis as this nation has seen reconciliation in 1973, when a Constituent Assembly gave the Constitution of 1973 to the nation, guaranteeing their fundamental rights, on the basis of equality and brotherhood, as a result whereof, the nation had proved its unity, whenever it faced a challenge to its sovereignty and existence. The representation of the people, in subsequent Legislative Assemblies, has upheld the provisions of 1973 Constitution, except for few occasions when they have made amendments under peculiar circumstances. However, salient features of the Constitution i.e. Independence of Judiciary, Federalism, Parliamentary form of Government blended with Islamic provisions, now have become integral part of the Constitution and no change in the basic features of the Constitution, is possible through amendment as it would be against the national reconciliation, evident in the promulgation of the Constitution of 1973, by a Legislative Assembly. Therefore, promulgation of the NRO seems to be against the national interest and its preamble is contrary to the substance embodied therein. Thus, it violates various provisions of the Constitution. Therefore, by means of instant short order, reasons of which shall be recorded later, we hold as follows:-
 - (i) that the NRO is declared to be an instrument void ab initio being ultra vires and violative of various constitutional provisions including Article Nos. 4, 8, 25, 62(f), 63(i)(p), 89, 175 and 227 of the Constitution;
 - (ii) that as a consequence of the said declaration, all steps taken, actions suffered, and all orders passed by whatever authority, any orders passed by the courts of law including the orders of discharge and acquittals recorded in favour of the accused persons, are also declared never to have existed in the eyes of law and resultantly of no legal effect;
 - (iii) that all cases in which the accused persons were either discharged or acquitted under Section 2 of the NRO or where proceedings pending against the holders of public office had got terminated in view of Section 7 thereof, a list of which cases has been furnished to this Court and any other such cases/proceedings which may not have been brought to the notice of this Court, shall stand revived and relegated to the status of pre-5th of October, 2007 position;
 - (iv) that all the concerned courts including the trial, the appellate and the revisional courts are ordered to summon the persons accused in such cases and then to proceed in the respective matters in accordance with law from the stage from where such proceedings had been brought to an end in pursuance of the above provisions of the NRO;
 - (v) that the Federal Government, all the Provincial Governments and all relevant and competent authorities including the Prosecutor General of

NAB, the Special Prosecutors in various Accountability Courts, the Prosecutors General in the four Provinces and other officers or officials involved in the prosecution of criminal offenders are directed to offer every possible assistance required by the competent courts in the said connection;

- (vi) that similarly all cases which were under investigation or pending enquiries and which had either been withdrawn or where the investigations or enquiries had been terminated on account of the NRO shall also stand revived and the relevant and competent authorities shall proceed in the said matters in accordance with law;
- (vii) that it may be clarified that any judgment, conviction or sentence recorded under section 31-A of the NAB Ordinance shall hold the field subject to law and since the NRO stands declared as void ab initio, therefore, any benefit derived by any person in pursuance of Section 6 thereof is also declared never to have legally accrued to any such person and consequently of no legal effect;
- (viii) that since in view of the provisions of Article 100(3) of the Constitution, the Attorney General for Pakistan could not have suffered any act not assigned to him by the Federal Government or not authorized by the said Government and since no order or authority had been shown to us under which the then learned Attorney General namely Malik Muhammad Qayyum had been authorized to address communications to various authorities/courts in foreign countries including Switzerland, therefore, such communications addressed by him withdrawing the requests for Mutual Legal Assistance or abandoning the status of a Civil Party in such proceedings abroad or which had culminated in the termination of proceedings before the competent fora in Switzerland or other countries or in abandonment of the claim of the Government of Pakistan to huge amounts of allegedly laundered moneys, are declared to be unauthorized, unconstitutional and illegal acts of the said Malik Muhammad Qayyum;
- (ix) that since the NRO stands declared void ab initio, therefore, any actions taken or suffered under the said law are also non est in law and since the communications addressed by Malik Muhammad Qayyum to various foreign fora/authorities/courts withdrawing the requests earlier made by the Government of Pakistan for Mutual Legal Assistance; surrendering the status of Civil Party; abandoning the claims to the allegedly laundered moneys lying in foreign countries including Switzerland, have also been declared by us to be unauthorized and illegal communications and consequently of no legal effect, therefore, it is declared that the initial requests for Mutual Legal Assistance; securing the status of Civil Party and the claims lodged to the allegedly laundered moneys lying in foreign countries including Switzerland are declared never to have been withdrawn. Therefore the Federal Government and other concerned authorities are ordered to take immediate steps to seek revival of the said requests, claims and status;

- (x) that in view of the above noticed conduct of Malik Muhammad Qayyum, the then learned Attorney General for Pakistan in addressing unauthorized communications which had resulted in unlawful abandonment of claims of the Government of Pakistan, inter alia, to huge amounts of the allegedly laundered moneys lying in foreign countries including Switzerland, the Federal Government and all other competent authorities are directed to proceed against the said Malik Muhammad Qayyum in accordance with law in the said connection;
- (xi) that we place on record our displeasure about the conduct and lack of proper and honest assistance and cooperation on the part of the Chairman of the NAB, the Prosecutor General of the NAB and of the Additional Prosecutor General of the NAB, namely, Mr. Abdul Baseer Qureshi in this case. Consequently, it is not possible for us to trust them with proper and diligent pursuit of the cases falling within their respective spheres of operation. It is therefore, suggested that the Federal Government may make fresh appointments against the said posts of persons possessing high degree of competence and impeccable integrity in terms of Section 6 of the NAB Ordinance as also in terms of the observations of this Court made in the case of *Khan Asfandiyar Wali v. Federation of Pakistan* (PLD 2001 SC 607).

However, till such fresh appointments are so made, the present incumbents may continue to discharge their obligations strictly in accordance with law.

They shall, however, transmit periodical reports of the actions taken by them to the Monitoring Cell of this Court which is being established through the succeeding parts of this judgment;

- (xii) that a Monitoring Cell shall be established in the Supreme Court of Pakistan comprising of the Chief Justice of Pakistan or a Judge of the Supreme Court to be nominated by him to monitor the progress and the proceedings in the above noticed and other cases under the NAB Ordinance. Likewise similar Monitoring Cells shall be set up in the High Courts of all the Provinces comprising of the Chief Justice of the respective Province or Judges of the concerned High Courts to be nominated by them to monitor the progress and the proceedings in cases in which the accused persons had been acquitted or discharged under Section 2 of the NRO;
- (xiii) that the Secretary of the Law Division, Government of Pakistan, is directed to take immediate steps to increase the number of Accountability Courts to ensure expeditious disposal of cases;

15. We place on record our deep sense of appreciation for the learned counsel for the parties as also for the learned amici curiae who have rendered invaluable assistance to us in these matters.

The petitions stand allowed and disposed of by this short order in terms noted above.

17 December 2009. Karachi. *Source:* www.dawn.com.pk

III. Political Developments

1. Text of Balochistan package presented in parliament

The federal government on 24 November 2009 presented the Aghaaz-e-Huqoq Balochistan to a joint sitting of parliament. Following is the text of the Aghaaz-e-Huqoq package presented by Senator Raza Rabbani.

Preamble

"Conscious, that the provinces have a sense of deprivation, in political and economic structures of the federation;

Recalling, that the provisions of the 1973 constitution in particular relating to the federation province relationship have been circumvented;

Stating that the financial assistance given by the present federal government in terms of Rs 4.6 billion PSDP support, Rs 2.8 billion paid as arrears of royalty for Uch pending since 1995, Rs 17.5 billion overdraft of Balochistan written off, realizing that this is not a substitute to provincial autonomy;

Acknowledging, that the question of provincial autonomy needs to be revisited and the ownership of the provinces over their resources reasserted in the constitution;

Mindful, of the tumultuous history of the province of Balochistan in the affairs of the federation;

Placing on Record that the present federal government has withdrawn cases and released political workers and helped in identifying the places of detention and release of some of the missing persons;

Determined, to correct the wrongs of history, by conferring the political, economic and cultural rights of the provinces, so that the federation may blossom, and;

Recalling, the documents made from time to time, namely The Shaheed Mohtarma Benazir Bhutto Reconciliation Committee Papers, the interim reports of the Wasim Sajjad and Mushahid Hussain Sayed committees of the Parliamentary Committee on Balochistan, headed by Chaudhary Shujaat, proposals made by the Balochistan chief secretary and the proposals of Mian Raza Rabbani.

The following "proposals" are made:

A. Constitutional-related matters

1. Constitutional Reform: In terms of the resolutions passed by parliament, the speaker has constituted a parliamentary committee. The said committee has commenced work of considering various amendments in the constitution, including on provincial autonomy, this should be immediately addressed;

2. **Constitutional Reform:** The quantum, form and scope of provincial autonomy will be determined by the Parliamentary Committee on Constitutional Reforms, which represents all shades of political opinion in parliament. The following provisions of the constitution on provincial autonomy are under consideration of the committee; (i) Deletion of the Concurrent List from the Fourth Schedule of the Constitution; (ii) Deletion of the Police Order, 2002 and The Balochistan Local Government Ordinance, 2001 from the Sixth Schedule of the Constitution; (iii) Effective implementation of Article 153 of the constitution, Council of Common Interests; (iv) Implementation of Article 160 of the constitution, NFC Award; (v) Implementation of articles 154, 155, 156, 157, 158 and 159 of the constitution.
3. **Restructuring of the NFC Award criteria:** In the past, the formula was based on population. This has been changed and other criteria such as inverse population ratio, backwardness, poverty and resource generation need to be taken into consideration.
4. **Release of Political Workers:** The federal government in consultation with the provincial government should immediately release all political workers, except those charged under heinous crimes;
5. **Political Dialogue:** Immediate to the acceptance of all the proposals contained herein, initiation of a political dialogue with all major stakeholders in the political spectrum of the province, to bring them into the mainstream politics.
6. **Return of Exiles:** The political exiles who return to Pakistan will be facilitated. (Except those involved in acts of terrorism).
7. **Provincial Assembly Resolutions:** The unanimously passed resolutions of the assembly from 2002 until date, related to the province, be implemented within the legal framework of the constitution.
8. **Local Government:** The Balochistan Local Government Ordinance needs to be amended by the provincial government keeping in view the administrative needs of the province.

C. Administratively-related matters

9. **Operations by Federal Agencies:** The federal government should immediately review the role of federal agencies in the province and stop all such operations that are not related to the pursuit of fighting terrorism;
10. **Construction of Cantonments:** The federal government should announce, that the presence of the army in Sui will be withdrawn and replaced by the FC in pursuit of peace in the present situation. Proposals should not be formulated for the construction of new cantonments except in frontier areas, wherever required;
11. **Commission:** A commission should be constituted in respect of the missing persons. The commission should be headed by sitting member of the superior judiciary from Balochistan, including the federal defence, interior

ministers and the home minister of the province. The proceedings of such a commission shall be held in camera.

12. **Missing Persons:** The names of missing persons be identified and following actions be taken immediately, after verification, in any case, if they are found to be in custody. (i) Those persons against whom there are no charges be released. (ii) Those persons against whom there are charges be brought before a court of competent jurisdiction within seven days for trial (effective from the date of promulgation of commission). (iii) Such persons be allowed legal consul of their choice, the government should assist them in this regard in accordance with law. (iv) Family members of such persons be informed accordingly and allowed visiting rights.
13. **Judicial Inquiry:** Judicial inquiry by the superior judiciary be ordered by the federal government to inquire into:
 - a. **Murder of Baloch political workers, Ghulam Muhammad, Lala Munir and Munir Ahmed.**
- B. Target killing in the province.**
14. **Nawab Akbar Bugti Shaheed:** A fact finding commission, headed by a retired judge of the Supreme or High Court be constituted, to determine the circumstances leading to the death of Nawab Akbar Bugti Shaheed.
15. **New Army Cantonments:** Construction of new cantonments in Sui and Kohlu be stopped for the time being. Army will be withdrawn from Sui after handing over the duties to FC. FC will also takeover the already constructed Cantonment at Sui.
16. **Conversion Of "B" Areas Into "A" Areas:** In view of the decision of the provincial government, the policy of conversion of "B" areas into "A" areas may be reviewed from time to time. Urban areas may have regular police.
17. **The Role Of Civil Armed Forces:** (i) **Frontier Corps;** The role of the FC in law enforcement shall be under the chief minister of the province. The powers conferred under the Customs Act shall be withdrawn, (ii) **Coast Guard;** The CG should perform its primary duty of checking smuggling of arms and narcotics along the coast and the border. The check posts established beyond their territorial limits as prescribed under the law shall be dismantled. An exercise of delimitation of the border areas needs to be undertaken by the federal government, provincial government and the Frontier Corps to give effect to the aforesaid.
18. **Check Posts:** The various check posts established by the civil armed forces and other related agencies, other than border areas should be in accordance with the directions of the provincial government.
19. **Judicial Inquiry:** here should be a judicial enquiry by the superior judiciary into the allotment of land at Gwadar,
20. **Flood Relief:** Somemonies are due on the federal government for the flood-affected people of Balochistan, these amounts should be released.
21. **Education:** Balochistan be given a special quota of scholarships by the Higher Education Commission so that students of the province can pursue studies leading up to local or foreign Masters and PhDs.

D. Economically-related matters

22. Rationalization of The Royalty Formula: (i) Rationalization of the royalty formula and the Gas Development Surcharge have been done, (ii) The concept of public-private ownership in the areas of a district granted for exploration should be followed. Where contracts are awarded, the said district should be given 15% of revenue to be received by the provincial government, (iii) Due representation should be given to the province on the boards of the PPL; OGDC and Sui Southern Gas, (iv) Distribution companies should be obligated under contract/law to provide on priority basis gas to the district where it is explored, (v) In case of a successful find the federal government shall spend an amount equivalent to 10% of the net profits on development projects in the area. The ascertainment of profits shall be open to scrutiny by independent/third party auditors, (vi) The federal government has released the accrued Production Bonus to the districts producing oil and gas. This policy will be strictly implemented.
23. Mega Projects:
 - (i) All new mega projects to be initiated with the consent and approval of the provincial government. The share of the province in its profits/benefits to be assured in the contract/agreement, (ii) The concept of public-private ownership in such projects to be followed where ever possible, (iii) In Gwadar, there shall be a free economic zone and political activities in the said zone may be regulated by an appropriate law to be framed in consultation with all the stakeholders, (iv) In Gwadar, all or as far as possible, appointments in BS-1 to 16, should be from the local population, (v) In Gwadar, the local youth should be provided technical training and absorbed in GPA, GDA and Special Economic Zone, (vi) Preference should be given to the qualified local contractors while awarding contracts related to the port, (vii) Compensation and reallocation of all those fishermen, who are being displaced due to the Gwadar Port must be finalized immediately, (ix) The two jetties agreed to be constructed for the fishermen on the eastern and western bays be constructed, (x) A fisheries training centre as required to be established under the 9th Five Year Plan for Balochistan be constructed, (xi) A portion of the revenue collected by the Gwadar Port Authority be allocated for the development of the province, (xii) The chief minister shall be the ex-officio chairman of the Gwadar Development Authority and there shall be seven members from the province on the Board of Directors, (xiii) The provincial government of Balochistan will nominate a person duly qualified to be the Chairman of the Gwadar Development Authority.
24. SUI:
 - (i) There should be a special development package for the area. (ii) The armed forces should be systematically withdrawn from the area.
25. Employment Opportunities: (a) The federal government will create, with immediate effect, five thousand additional jobs for the province, (b) (i) The

- quota for the province as prescribed in the rules/law for employment in government (specially foreign service), semi government, autonomous/semi-autonomous, corporations and bodies must be strictly complied with. Deficiency if any, needs to be met in a proactive manner, (ii) The Overseas Employment Foundation needs to facilitate the recruitment of skilled or unskilled labour for employment aboard, (iii) The local people living along the coast who meet the criteria should be given jobs in the Coast Guards, (iv) The monitoring of the aforesaid shall be the responsibility of the Senate Standing Committee for Establishment.
26. Gas Development Surcharge: The federal government agrees to pay the arrears of Gas Development Surcharge from 1954 to 1991. This is a total amount of Rs 120 billion payable in 12 years.
 27. Ownership in oil and gas companies: In organizations such as PPL, OGDCL and Sui Southern, the province will be able to purchase up to 20% of the right shares when offered in the open market.
 28. Sandak Project: The federal government from its 30% shares in the project will immediately give 20% to the province. On completion of the project and when the foreign company withdraws, the project shall be owned exclusively by the province.
 29. Uniform Price of Gas: There shall be a uniform price of gas throughout the country for the purpose of calculation of GDS.
 30. Fishing Trawlers: Fishing trawlers should be restricted to the authorized limits of 33 kilometres from the coast. This will help promote the small fishermen.
 31. Kohlu District: Special incentives should be given to the local tribes to facilitate exploration in the area, which continues to be closed due to security concerns.
 32. Poverty Alleviation: In all poverty alleviation schemes, the allocation of the province should be proportional to the percentage of people living below the poverty line.
 33. Profit Sharing In Existing Agreements:
 - (i) It is proposed that existing agreements on projects such as SANDAK, REKODIC and others where agreements have already been negotiated, the federal government may reconsider the agreements concerning the sharing of income, profits or royalty between the federal government and the provincial government.
 34. Dera Bugti Internally Displaced Persons:

The federal government for the rehabilitation and settlement of the IDPs shall provide a sum of Rs 1 billion.
 35. Water Management: The federal government shall immediately undertake schemes, which include the construction of small dams throughout the province but particularly in the districts of Quetta, Pasheen, Qila Abdullah, Qila Saifullah, Zhob etc.
 36. Parliamentary Committee on National Security: It is proposed that the federal government, provincial government and other departments/agencies

involved in the implementation of the proposals shall brief the Parliamentary Committee on National Security on the status of implementation on a monthly bases.

37. Parliament: The federal government and the provincial government shall every three months lay a report before both Houses of parliament, separately, on the state of implementation of the proposals. The two Houses shall separately allocate appropriate time for discussion on the said report.
38. The Standing Committee on Establishment of The Senate of Pakistan: The Standing Committee on Establishment of the Senate shall present a report every three months on Item No 25. The Senate chairman, after the report has been laid in the Senate, transmit the same to the speaker, National Assembly of Pakistan, for information of that House.
39. Certification: The federal minister for inter provincial coordination shall at the end of each financial year certify to both the Houses of parliament separately, the amount of monies spent for the implementation of these proposals.

2. Gilgit-Baltistan Elections 2009: Report of HRCP Observers' Mission

The federal government approved a reform package for the Northern Areas on August 30, aimed at giving internal autonomy to the region, but did not grant it the status of a province. The region's name was changed to Gilgit-Baltistan.

On September 7, President Asif Ali Zardari signed the Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009, aimed at introducing administrative, political, financial and judicial reforms in Gilgit-Baltistan. Elections for the Gilgit-Baltistan Legislative Assembly (GBLA) were announced to be held on November 12, 2009. The 2009 Order replaced the Northern Areas Legal Framework Order (LFO) 1994.

HRCP Observer Mission in Gilgit-Baltistan

HRCP believes that the people of Gilgit-Baltistan deserve full constitutional status at par with the other provinces of Pakistan. It deemed the monitoring of general elections in Gilgit-Baltistan as of vital importance, because it saw them as the first step towards democratic governance.

The Human Rights Commission of Pakistan (HRCP) Observer Mission arrived in Gilgit-Baltistan in the week preceding the November 12 general elections.

The observer mission was led by the organization's Co-chairperson Iqbal Haider and comprised Ms Parveen Soomro, Mr Kamran Arif, Mr Hussain Naqi and Mr Najam U Din. In addition, HRCP selected over 70 local activists to observe the electoral process in their respective areas in all seven districts of Gilgit-Baltistan. The local observers were given in-depth training by the commission's Electoral Watch team experts to observe all aspects of the electoral process.

Members of the HRCP observer mission met with all stakeholders to gather their points of view and concerns regarding the electoral process in Gilgit-Baltistan.

Legal framework

The Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009 provides for the offices of Chief Minister and Governor of Gilgit-Baltistan. Their respective roles are similar to those of their counterparts under the Constitution of Pakistan.

The prime minister of Pakistan in his capacity as chairman of the Gilgit-Baltistan Council becomes the de facto president, as the chairman has been granted ‘power to pardon and reprieve’ sentences awarded by any court under Article 34 of the Order.

Under Article 82 of the Order the governor appoints chief election commissioner on the advice of the chairman of the council on ‘such terms and conditions as is prescribed’.

When the Order came into force, Mr. Qamar Zaman Kaira, federal minister for Kashmir and Gilgit-Baltistan, became the acting governor of Gilgit-Baltistan by virtue of Article 20(2) of the Order. He took oath of office on September 15.

On September 22, the Election Commission of Pakistan announced the schedule for the Gilgit-Baltistan elections, fixing the polling date as November 12, 2009.

Mr. Rahim Nawaz Durrani took oath as the chief election commissioner of Gilgit-Baltistan on October 20, just 23 days before the polling date.

The voting age was reduced from 21 years to 18 years through an amendment to Section 6(1) (b) of the Electoral Rolls Act, 1975. This necessitated extensive changes to voters’ lists in a very short span of time.

Gilgit-Baltistan does not have a Political Parties Act, and the region’s Election Commission accepted all parties registered as political parties elsewhere in Pakistan and later, on the advice of the Election Commission of Pakistan, considered the Political Parties Act applicable *mutatis mutandis*, which allowed local parties such as the Baloristan National Front to contest the elections as a political party.

The Gilgit-Baltistan Legislative Assembly (Elections) Order, 1975 governs all aspects of the elections and is in all material respects similar to Pakistan’s Representation of Peoples Act, 1976.

The Order did not increase the number of directly-elected members in the Gilgit-Baltistan Legislative Assembly, and so no fresh delimitation of constituencies was needed.

General observations

The previous administration, headed by the deputy chief executive, Mir Ghazanfar Ali, had ceased to exist on the completion of the tenure of the

Northern Areas Legislative Council, which had been elected under the Northern Areas Legal Framework Order, 1994. After that, the entire administrative machinery was effectively under the control of the Federal Minister for Kashmir and Northern Areas. All the executive (administrative) officers were appointed by him and were ultimately answerable to him. With the Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009 coming into force, the Federal Minister for Kashmir and Gilgit-Baltistan became the Governor of Gilgit-Baltistan by virtue of Article 20(2) of the Order. With no chief minister to advise him, the governor/federal minister was the supreme executive authority in Gilgit-Baltistan. As governor he also had a say in the appointment of members of the superior judiciary and promotion etc. of the subordinate judicial officers. He was also authorized to legislate through ordinances.

Also the Chief Election Commissioner (CEC) is appointed by the Chairman of the Council (Prime Minister of Pakistan) on the governor's advice. The CEC does not enjoy security of tenure, or sufficient independence or special powers to conduct free and fair elections.

The Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009 generally fell short of the people's expectations. The people of Gilgit-Baltistan had expected that the region would either be made the fifth province of Pakistan or get an autonomous status or an interim constitutional set-up on the pattern of Azad Jammu and Kashmir. The Order has brought little meaningful change at any level as, through various devices, the final authority on all important matters is the federal government. Most of the political parties criticized the Order as a mere eyewash, while the Pakistan People's Party (PPP) Gilgit-Baltistan chapter President Syed Mehdi Shah strongly defended it, claiming that it had given identity to the people of Gilgit-Baltistan. He credited constitutional reforms for bringing all major political parties to Gilgit-Baltistan in a big way.

Electorate

Out of a total of 24 constituencies, elections were held in 23 constituencies in the seven districts of Gilgit-Baltistan – Astore, Diamer, Ghanche, Ghizer, Gilgit, Hunza – Nagar, and Skardu – on November 12. Polling was postponed in one constituency, GBLA-19 (Ghizer-I), on account of a candidate's death.

According to EC statistics, 387 candidates filed nomination papers and nominations of 359 were accepted after scrutiny. After retirement of candidates and withdrawal of nomination papers, 264 candidates remained in the field, of which 99 represented different political parties and 165 were contesting as independents.

The total number of eligible voters was 717,286 – 384,909 male and 332,377 female. Of the 1,022 polling stations in the region, 119 were categorized as 'very sensitive' and 153 as 'sensitive' polling stations. As many as 3,021 polling staff oversaw the elections in the 1,022 polling stations.

Following are some of the main issues that were highlighted in the observer mission's discussions with officials, candidates and party workers and the mission's observations on the polling day.

Electoral rolls

Inaccurate electoral rolls were a major concern and even the CEC admitted flaws in the rolls, which had been hurriedly prepared. The reduction in voting age from 21 to 18 years necessitated the inclusion of a large number of new names in the voters' lists.

All the political parties including the PPP, Pakistan Muslim League-Nawaz (PML-N), Pakistan Muslim League-Quaid (PML-Q), Muttahida Qaumi Movement (MQM), and Jamiat Ulema-e-Islam (JUI) expressed severe reservations about electoral rolls. A large number of names were missing from the voters' lists and an equally large number had been registered as voters at more than one polling station, at times in different constituencies.

Electoral rolls did not contain the National Identity Card (NIC) numbers of voters, making it extremely difficult for candidates to discover the exact number of double voter registration.

A large number of eligible voters missing from the list mainly included those supposed to be included on account of reduced voting age and people who were not present at the time the voter registration teams visited their areas of residence.

The CEC informed the HRCP observer mission about the difficulties the Election Commission (EC) had faced in the run-up to the elections. The main difficulty for the EC was the shortage of time in which it had to finalize electoral rolls and make arrangements for holding elections.

The election commissioner of the region – who had been working in that capacity even before the Gilgit-Baltistan reform package was announced, was posted as the deputy commissioner of the newly formed district of Hunza-Nagar.

The CEC said that the lists had been finalized in a short span of 18 days. He admitted that there were flaws in the list, including missing votes, duplication of voters' names, typographical mistakes and inaccurate information about parentage and residential address of the voters.

The main difficulty for the EC was making all administrative arrangements for holding the elections in a very short period. This obviously resulted in a heap of inaccuracies in the electoral rolls, inadequacy of the polling stations – and the polling booths therein – insufficient polling staff and the severe lack of security arrangements.

The chief election commissioner had been appointed barely a month before the elections. The CEC said in order to avoid multiple voting by an individual, the polling staff had been instructed to mark the left hand thumb of voters with indelible ink and detain the voter for one minute to allow the ink time to dry.

Zafar Waqar Taj, the outgoing election commissioner and the deputy commissioner-designate of Hunza-Nagar, denied that the draft list was not displayed according to the law or that eligible voters had not been afforded an

opportunity to get their names included in the voters' list in case of omission or deletion.

The errors in the voters' lists, including deletions or shifting of votes from one polling station to another, affected nearly 20 percent of total voters. The duplications in the voters' list were mostly serial wise i.e. names of all voters from one polling station were included in the list for other polling stations collectively. In just one such example, at Nomal polling station No. 50 at Faizabad (GBLA-1, Gilgit-I), it was observed that 129 votes (from serial No. 3023 to 3152) had been shifted to two other polling stations, one, Batot, a few kilometers away and the other, Gur, in a different constituency (GBLA-3).

Such flaws mainly showed negligence and lack of oversight in preparation of electoral rolls rather than deliberate attempts at systematic rigging by any one group or party. It also proved the allegation by the political parties that the draft lists had not been properly displayed and that the changes suggested had not been included in the final voters' list.

Though the political parties and candidates generally expressed satisfaction at the requirement of producing NICs for identification, some said the polling staff should retain voters' NICs to prevent multiple voting.

However, most of the parties and candidates deemed the suggestion to be impractical and apprehended that such a condition might dissuade many people from casting their vote as they would not want to give up their NICs for a number of days. The CEC had also informed the mission earlier that the suggestion was not feasible.

Innumerable contradictions and inaccuracies were apparent in the statistics contained in the brochure issued by the EC. For instance, in the section on statistics for the region, the number of the registered voters cited in the various constituencies of Diamer, Gilgit and Skardu district is only marginally less than the entire population of those constituencies, e.g. in GBLA-1 (Gilgit) the population is cited as 56,641 and the number of total voters is 48,574; in GBLA-7 (Skardu) the population is given as 35,310 and the total number of voters is 27,833; the population of GBLA-15 (Diamer) is mentioned as 40,680 and the number of voters is 39,249.

The flaws in the voters' lists could have been avoided had undue haste not been exercised in holding elections and the EC was given a reasonable period to complete the task in a satisfactory manner.

Role of the governor

All the major political parties and the independent candidates were extremely critical of the role of Acting Governor Qamar Zaman Kaira, who was generally seen as openly campaigning for the PPP.

Mr. Kaira addressed public gatherings at various places in Gilgit-Baltistan during the election campaign, where PPP candidates and workers were always present. Mr. Kaira would announce numerous development projects and express complimentary words for the current and previous PPP leadership.

The major political parties criticized such measures contrary to democratic norms and the spirit of the constitutional order. They were unanimous that the office of the governor should be above partisan politics and there should be no involvement of the governor, directly or indirectly, in the election campaign. They emphasized that the announcement of development schemes before the launch of the campaign or after polling day would not be controversial but called such announcements by the governor during the campaign a bid to influence the voters.

The acting governor was in an extraordinarily strong position in the run up to the elections. All the administrative officers were appointed by him and were ultimately answerable to him. He had a say in the appointment of members of the superior judiciary and promotion of the subordinate judicial officers. He also had unbridled power to make laws through ordinances. The CEC, who could theoretically order the governor to desist from interfering in the campaign process, does not enjoy security of tenure, or special powers to conduct free and fair elections. The CEC was appointed by the Chairman of the Gilgit-Baltistan Council on the governor's advice.

Chairman GB Council (Prime Minister of Pakistan)

The prime minister of Pakistan in his capacity as Chairman of the Gilgit-Baltistan Council is the de facto President, as he has the 'power to pardon and reprieve... any sentence passed by any court, tribunal or other authority' under Article 34 of the Order.

On September 29, 2009 a week after the announcement of the election schedule, the prime minister visited Gilgit-Baltistan for the first time. Addressing a big public meeting at Lalak Jan Shaheed Stadium, he announced various development packages including the allocation of 870 million rupees for health. He also announced the creation of Hunza-Nagar district and ordered the appointment of a deputy commissioner there with immediate effect.

PPP Gilgit-Baltistan chapter President Syed Mehdi Shah and Secretary General Ghulam Mohammad also addressed the gathering. In his address to the gathering, Governor Qamar Zaman Kaira thanked the prime minister for giving constitutional rights to the people of the region.

On the last day of the election campaign (November 10) the prime minister again arrived in Skardu on an official plane. In his speech, the prime minister announced a number of development schemes and packages including the creation of a new district, Hunza-Nagar, and three new tehsils. Shigar, Phandar and Daniyor. increased allocation for health and education sectors, compensation for Satpara Dam affectees and the Ghanche earthquake victims, increase in pay for policemen and a hill allowance for all government employees in payscales 1 to 15. The Gilgit-Baltistan governor also addressed the meeting, which was attended by Pakistan Baitul Maal Chairman Zamurrud Khan and PPP Gilgit-Baltistan chapter President Mehdi Shah.

Wearing a PPP tri-colour cap, the prime minister unequivocally asked the gathering to vote for the PPP and even stated that they would not just be voting for the party's candidates but for the PPP.

PPP sympathizers argued in meetings with the HRCP that it was not the first time that the federal government was interfering in the electoral process in Gilgit-Baltistan. They claimed that Lt, Gen (R) Majeed Malik was tasked by the PML to manage the 1999 elections but added that Gen Musharraf's coup intervened and the task then fell to Musharraf's minister Nisar Memon to 'oversee' the elections and later gather the independents to form a government in the Northern Areas by the PML-Q.

Each government in power in Islamabad has tried to influence the outcome of elections in Gilgit-Baltistan. In the observer mission's opinion Prime Minister Yousaf Raza Gilani and acting Governor Qamar Zaman Kaira had a historic opportunity to set democratic precedents in Gilgit-Baltistan, and they wasted the opportunity.

Benazir Income Support Programme

All the major political parties, except the PPP, expressed grave reservations about the implementation of the Benazir Income Support Programme (BISP). The programme provides for the payment of 1,000 rupees per month as income support to the head of a family deemed 'deserving.'

In Pakistan and Azad Kashmir, the selection of the deserving families was done through elected members. In Gilgit-Baltistan, it was announced that 50,000 families would be supported. The 36 members of the former Northern Areas Legislative Council received 14,500 forms. 500 forms for each of the 24 elected members and 300 forms for each indirectly elected technocrat/woman members. Candidates and political parties' leaders said the remaining 35,500 forms were distributed among PPP workers and sympathizers.

Mr. Ikhtlaq Hussain, member of the Skardu Municipal Committee (Ward No 13), claimed that PPP members of the municipal committee had received 500 forms each and not a single form was given to a non-PPP member. He alleged that a non-elected PPP worker, Ghulam Rasul from Ward No 5, had also received 500 forms for distribution among those he considered deserving.

Most of the candidates throughout Gilgit-Baltistan alleged that PPP workers were threatening the BISP assistance recipients that the BISP support would be discontinued if the PPP candidate from the constituency lost the elections and the money already paid would be recovered. However, if the PPP won the elections, 50,000 more BISP forms would be distributed in Gilgit-Baltistan.

PPP refuted the allegations and stated that all elected members were given the BISP forms. PPP Gilgit-Baltistan chapter head Mehdi Shah accused PML-Q campaign supervisor Marvi Memon of bringing in 700 BISP forms from Karachi.

BISP forms did play a role in the elections. There were allegations and counter-allegations of distribution of fake BISP forms, photocopies of the

original, which are liable to be rejected as each form has a distinct number and applications are rejected if the same form number is present on different application forms.

There is little doubt that the BISP assistance and promises of such financial support played a major role in the elections, especially in places where the difference between the winner and the runner-up was a few hundred votes. It also fuelled apprehensions about absence of a level-playing field for the candidates.

Pakistan Baitul Maal

Zamurrud Khan, managing director of Pakistan BaitulMaal and a former member of the National Assembly for the PPP, openly campaigned for the PPP. He attended the prime minister's address to a public gathering at Skardu and during the election campaign announced the opening of an orphanage, Pakistan Sweet Home project, at Gilgit. The project was inaugurated by the acting governor. At the function the acting governor delivered a speech, saying that 'the self governance reform package has been given to the people of Gilgit-Baltistan by the PPP government.' 'The government is trying to establish a system of governance in line with the vision of Zulfikar Ali Bhutto *Shaheed*,' he added.

General interference by government

There were allegations of general government interference and influence during the election campaign. The role of the acting governor was seen as partisan and, as one candidate put it, 'being the sole administrative authority of the region the entire administration is dancing on his directions.'

There were allegations that the PPP candidates had managed to get individuals of their choice appointed as polling staff, and while there was a ban on postings and transfers of civil servants, PPP candidate could manage transfers .on back dates.'

There were also allegations of people being offered contractual employment in two of Gilgit-Baltistan's biggest employers, the NAPWD and the Education Department.

The MQM team at Skardu alleged that any public transport vehicle that was not flying the PPP flag was seized by the police for forced election duty.

The governor and the prime minister used official aircraft and vehicles to travel in Gilgit-Baltistan. PML-N chief Nawaz Sharif also used aircraft, an executive jet and a helicopter, of the Punjab government for his visit during the election campaign. He was accompanied by his brother Shahbaz Sharif, the Punjab chief minister.

The PML-N, PPP, MQM and even the ANP offered increased scholarships and health facilities to the residents of Gilgit-Baltistan in provinces where these parties are in the government.

Postal ballots

Dissatisfaction was expressed over the issuance of postal ballots at some places. In Skardu, Haji Muhammad Raza, an election agent for a candidate Haji Fida Nashad (GBLA-9), showed the HRCP observer mission a list of 16 voters who had been issued double postal ballots. The list included the name of Ali Mohammad, the station house officer of the Skardu Cantonment Police Station. (Postal ballots number 0092 and 0198).

Haji Muhammad Raza stated that there were 952 voters with double registration in GBLA-9. He said in the previous elections, the returned candidate from the constituency had won by a margin of less than 300 votes, and double registrations could affect the outcome of the election.

Women's participation

In Diamer district, women generally do not vote. Most of the major political parties stated that there is no 'tradition' of women voting in the district. Women in Diamer and some other parts of Gilgit-Baltistan are prevented from voting by virtue of illegal agreements among candidates.

This is in contrast with the practice in some other parts of Gilgit-Baltistan where votes are polled in combined polling stations for men and women.

It is also a matter of profound concern that despite knowledge of such illegal practice, the Election Commission took any action neither against those who prevented women from voting nor to ensure that women do exercise their right to vote.

The chief election commissioner told the HRCP observer mission that he could only take action if the women barred from casting their votes lodged a complaint.

Women candidates

Apart from the PML-Q, no major political party awarded a ticket to a female candidate.

The PML-Q fielded a woman candidate on a general seat, while another contested the election as an independent candidate. Both had been elected on reserved seats in the 2004 elections.

The PML-Q candidate, Amina Ansari, contested elections against Mufti Abdullah of the PML-N from a constituency in Ghanche district. She alleged that throughout the campaign her opponent had attacked her solely on the basis of her gender. At each public meeting he would recite the prayer: 'Oh, God! Keep our women in the safety of *Chaddar Aur Chardiwari* [the veil and the four walls].' Such utterances contravene Paragraph 15 of the Code of Conduct issued by the Election Commission.

Abdullah won the election by polling 4,066 votes, while Ms. Ansari was the runner up with 3,941 votes.

Code of Conduct

Candidates generally did not abide by the code of conduct and banners, posters and stickers of candidates were all over the polling stations, with their supporters canvassing near and even inside the polling stations. Firearms were openly displayed, particularly by candidates in some areas, who moved around with heavily armed guards, even in and around polling stations.

Polling

While the polling started at the scheduled time, 8:00 am, at most polling stations in the main urban areas, reports of polling starting up to two hours behind schedule were received from relatively remote areas of the region.

Though the people came to the polling stations in large numbers, that did not translate into a heavy polling largely on account of inadequate arrangements.

It was observed that many people left after waiting at the polling stations for hours as the day wore on and the weather became colder. Scores of voters were disallowed from casting their vote on account of flaws in the electoral rolls.

At a number of polling stations the voters in the queues were not able to poll their votes by the end of polling time because of slow polling process or stoppages, some deliberate by the candidates' agents.

Polling stations where the number of voters per booth was around 500 seemed more manageable.

According to rules, all the eligible voters present inside the polling station premises at the end of closing time are allowed to vote. However, this rule was observed more in violation.

At a number of polling stations' including at least five in one constituency in Gilgit (GBLA-3), at Government Middle School Daniyor-voters were disenfranchised when the majority of polling agents agreed among themselves that they would not allow people who were in the polling station premises to cast their ballot after the official closing time. Following the agreements, the agents forced the polling staff to close voting. Polling agents expressed their inability to insist on continuing polling because of lack of security.

The government did not provide adequate number of law enforcement personnel required for effective security of polling stations and the voters and for denying the hooligans entry into the polling stations, at times with weapons, who harassed voters and the polling staff at will.

At most of the polling stations outside the district headquarters, often only one policeman was deputed to provide security and ensure order among hundreds of voters and around a dozen polling agents. Almost a complete absence of women police at polling stations for women was shocking, resulting in chaos and general disorder that also contributed to the extremely slow voting process. At a number of polling stations for women in Gilgit and Ghizer districts, the polling staff expressed their inability to persuade the voters to form

a queue. They also expressed fears for their security and some stated that they had been threatened by men who had simply walked into polling stations.

Denial of voting on account of faulty lists as well as disallowing those inside the polling stations to vote could be a decisive factor in constituencies where the margin of victory was narrow, which in turn had implications for those voters who had managed to exercise their right of franchise.

Voting list deficiencies were apparent almost as soon as polling started and polling officers were forced to exercise a lot of discretion in allowing people to vote whose names, parentage or address were inaccurately typed in the electoral rolls. The exercise of such discretion prompted arguments by and disputes among candidates. polling agents throughout the day.

HRCPC observers found that the ink that the EC claimed was indelible could be removed easily.

Polling stations lacked basic necessities, crucially electricity. Though suspension of electricity supply was reported throughout the day, it hampered the polling process severely around sunset. Some of the presiding officers did not even have candles or lanterns/lamps and were using light from their mobile phones to verify the voters' particulars.

At a number of polling stations arrangements for secrecy of ballot were either absent or inadequate. At some places the polling agents were stamping voters' ballot papers for them.

The remoteness of some areas and the winter snows created logistic problems. Parts of Gilgit-Baltistan had received their first snow in the weeks preceding the elections. Areas such as Gultari in Ghanche district were snow-bound a week before election day and the candidates had to travel by helicopters to access the electorate during the last few days of the campaign.

Parts of Astore district received snow a day before the polling day, seriously hampering the polling preparations, including movement of the polling staff, as well as the polling process on election day.

There were reports of voters facing difficulties in reaching polling stations or even getting out of their villages on account of heavy snow in some areas of Ghanche and Astore districts and some parts of Hunza and Ghizer. Polling staff and material were delivered to parts of Ghanche and Astore districts by helicopters.

Ballot boxes made of iron, instead of transparent plastic ballot boxes, were supplied to many polling stations for men. Polling staff at numerous polling stations was not even aware about the rationale for the use of transparent boxes. The polling staff said the women polling staff had been given transparent boxes because the iron boxes were heavier.

The elections were generally peaceful, but scuffles and clashes among political activists were reported from across the region. Incidents of violence resulted in the death of two persons and injuries to another 40. A 14-year old boy was killed and two people injured in violence during the December 22 by-polls in the Ghizer constituency of GBLA-19.

Complaints

A systematic mechanism for complaint resolution was missing. Even two months after the elections, the Commission did not have statistics on the number of complaints it had received, the subject matter of the complaints, or the identity of complainant candidates or parties. The staff manually counted written complaints to say they had received 101. They said they had also received dozens of verbal complaints, as well. The staff also could not say how many of the complaints were about attempts to allure the voters with government funds and official resources.

The CEC informed HRCP that around 50 percent of the complaints were regarding administrative mismanagement, which had been forwarded to the relevant authorities. He said all the remaining complaints had been addressed.

The government has established a special election tribunal to resolve electoral disputes. Mr. Sarwar Khan Durrani has been appointed as the judge for the tribunal which has been functioning since January 15, 2010. Candidates have filed eight writ petitions – five from Gilgit district, two from Diamer district and one from Ghizer district.

Conclusion

HRCP noted with satisfaction that the main political parties in the country had shown tremendous interest in the Gilgit-Baltistan elections. The mainstream media's interest in and coverage of the elections was also appreciated.

While the relatively peaceful conclusion of the Gilgit-Baltistan elections and the enthusiastic turnout of voters are to be appreciated, the electoral exercise was marred by flaws caused by haste in holding the polls and inadequate preparations. Besides, the pre-poll climate had been considerably vitiated by government efforts to lure voters with relief and development packages.

The polling process may have been free to a large extent, the campaign leading up to the election was not fair.

Systematic exclusion of women from voting in some areas and lack of official action or penalty for the culprits was disappointing, as was the fact that out of the 99 candidates put up by the political parties, there was only one woman.

The Election Commission machinery worked under severe time constraints and without adequate security.

HRCP appreciates the decision of the federal government to promote the electoral process and strengthen the democratic institutions in this region, but it is unable to appreciate the undue haste shown by the government in holding elections at a very short notice. The excessive haste without any compelling reason or justification generated many avoidable discrepancies, flaws, and inconveniences to the voters and the election machinery.

Recommendations

1. *The CEC should be given independence and security of tenure. He should be granted adequate power to stop government officials and public office-holders from interfering in the electoral process.*
2. *The voters' list should include the NIC number of each voter to facilitate verification and spot double entries.*
3. *The law should be amended to ensure that any elections where women are systematically excluded from voting are declared void.*
4. *Adequate time must be provided to the CEC to update and finalise electoral rolls and make other polling arrangements. Flaws in the electoral rolls for the November 2009 elections should inform the government's strategy for local government elections in Gilgit-Baltistan and other elections in the future.*
5. *Elections in Gilgit-Baltistan must not be held later than the first week of October, in view of the harsh weather conditions in the region afterwards.*
6. *The number of voters for each polling booth should not exceed 500 in order to ensure the exercise of right of vote by each voter.*
7. *The use of transparent ballot boxes must be ensured at all polling stations to minimise rigging.*
8. *The ink used for marking voters' thumbs should indeed be indelible, at least for a few days.*
9. *The Election Commission must ensure that, as stipulated by the rules, eligible voters present within the polling stations' compounds at the end of official closure time get the opportunity to exercise their right of franchise.*
10. *Security of the polling staff must be ensured to allow them to perform their functions without harassment and intimidation. Deployment of women police at polling stations for women must also be ensured.*
11. *The Election Commission's mechanism for receiving, tabulating and redressing complaints should be overhauled to make it meaningful and effective.*

Source: *State of Human Rights in 2009*, www.hrcp-web.org

IV. Human Rights

1. State of Human Rights in 2009: Highlights

Laws and law-making

- The parliament did very little legislative work in 2009. Much greater legislation was done by invoking the President's special powers to issue ordinances. Only four acts were passed by the parliament, while 61 federal Ordinances were issued.

- An ordinance to set up mobile courts was issued but withdrawn after it drew criticism by the civil society. Likewise, the National Reconciliation Ordinance (NRO) was introduced in the NA but it was withdrawn before any debate could take place.
- On April 13, the NA approved the Nizam-e-Adl Regulation 2009 for Malakand region. The Muttahida Qaumi Movement (MQM) opposed the regulation and staged a walkout from the assembly.
- The National Assembly adopted two bills that offered protection to women. The first bill, Domestic Violence Bill, lapsed as it was not passed by the Senate within 90 days of its introduction. The second bill, Criminal Law Amendment Bill, that promised better protection against sexual harassment by amending the PPC and the Cr Pc was adopted by the Senate in the new year and became law.

Administration of justice

- Chief Justice Iftikhar Muhammad Chaudhary, along with other judges sidelined under the November 3, 2007 emergency, were restored through an executive order.
- On July 31, the Supreme Court declared the imposition of emergency on Nov 3, 2007 and actions taken under it invalid and unconstitutional. The order under which the Islamabad High Court had been set up was struck down and the court ceased to exist.
- The SC nullified a number of Gen Musharraf's ordinances and referred as many as 37 Ordinances, including the National Reconciliation Ordinance (NRO), to the parliament for ratification within 120 days.
- The Supreme Court took suo motu notice in scores of cases of human rights' violations and numerous financial scams.
- The Supreme Judicial Council added the following clause to the Code of Conduct for the judges of superior courts:
- "No judge of the superior judiciary shall render support in any manner whatsoever, including taking or administering oath, in violation of the oath of office prescribed in the Third Schedule to the Constitution, to any authority that acquires power otherwise than through the modes envisaged by the Constitution of Pakistan."
- In November the Supreme Court directed the National Database and Registration Authority (NADRA) to formulate a policy for the registration of Hindu couples, according to their religious customs, in order to enable them to get computerised national identity cards.
- On December 16, the SC struck down the National Reconciliation Ordinance (NRO) as void ab initio and all cases that had been shelved under NRO stood revived.
- At the end of 2009, 1.52 million cases were pending in the superior and lower courts of the country.

Law and order

- According to non-official estimates, in 2,586 incidents of terrorism, 3,021 people were killed and 7,334 were injured. Out of these, 1,296 people were killed in 108 suicide bombings.
- In April 2009, the murder of three Baloch nationalist leaders, sparked a massive wave of protests all over Balochistan. At least 16 people were killed and many others injured in different incidents of shooting during the protest.
- Some 164 incidents of target killings took place in Balochistan in which 118 citizens and 158 security officials were killed while 83 citizens and 7 security officials were injured.
- In Punjab, 224 cases of kidnap for ransom took place during 2009 as compared to 248 caes in 2008. 163 persons were kidnapped in Sindh, 241 in Balochistan and 592 in NWFP during the year.
- 1,668 cases of suicides were reported from all over the country.
- 747 persons were killed in Karachi out of which 291 were killed in target killings, and 209 of them were political activists.
- In Punjab 253 people were killed in ‘police encounters’ besides 28 policemen. In Sindh, 74 suspects and 52 policemen were killed in ‘encounters’.

Jails, prisoners and ‘disappearances’

- New incidents of enforced disappearances continued to be reported throughout 2009 from across the country.
- An informal moratorium remained in place on execution of the death sentence but 276 persons were awarded death penalty in 2009. Some 7,700 people were on the death row.
- In Camp Jail Lahore alone, 4,651 prisoners were detained in a facility with a capacity for housing only 1,050 individuals. The story of most prisons elsewhere in the country was not very dissimilar.
- There were around 1,800 minor prisoners in the country, with the majority facing trial.
- As many as 54 prisoners were killed and 156 injured in the country’s prisons during 2009.

Freedom of movement

- The movement of ordinary citizens residing in the insurgency-stricken areas of Swat, Malakand and the Federally Administered Tribal Areas bordering Afghanistan was seriously affected.
- In March 2009, in an attempt to thwart lawyers’ long march and sit-in in Islamabad, police detained more than 600 opposition activists across Punjab, 200 of whom were restricted in the capital city of Islamabad only.
- In December, during Muharram, 123 clerics were banned entry into Sindh from other provinces, 190 into Punjab from other provinces.

- In November, the government made it mandatory for the Pakistani missions abroad to issue visas to foreigners intending to visit Pakistan only after their clearance from the Inter Services Intelligence (ISI).
- In November 2009, the Interior Ministry placed the names of 248 NRO beneficiaries on the Exit Control List (ECL). Afterwards, the Interior Ministry revised the ECL list and reduced the number from 248 to 165 people.
- A new survey revealed some 450,000 Pakistanis migrate illegally to other countries every year.

Freedom of thought, conscience and religion

- The year 2009 saw increasing frequency of organised violent attacks on religious minorities while the government failed to take proactive measures to prevent such violence in Gojra and Karachi.
- More than 41 complaints of blasphemy were reported during the year.
- At least five members of the Ahmadi sect were murdered in target killings in 2009, raising to 100 the number of killings since the introduction of anti-Ahmadiyya laws by the Ziaul Haq government in 1984.
- In 2009, 15 incidents of sectarian violence took place in Balochistan in which 26 men were killed and two others injured.
- As the militancy surged in the northwestern parts of the country, enforced migration and displacement of thousands of people belonging to Christians, Sikhs and Hindu communities from Swat, Kohat and FATA was reported following threats by Islamist elements.
- A majority of Hindu women did not possess CNIC cards because of legal complications in registration of marriages.
- 37 Ahmadis were booked under the blasphemy laws during the year and fifty-seven Ahmadis were charged under Ahmadi-specific laws.
- Nearly 80 per cent of the minority population falls below the poverty line and it has usually been ignored during the various government support programmes.

Freedom of expression

- Seven journalists were killed during the year while performing their duties across the country; four other journalists were killed in crime related incidents.
- In 2009, the freedom of the press in Balochistan remained under threat from coercive state policies as some independent newspapers' offices were under virtual siege.
- A total of 163 direct attacks were made against media during 2009 including murders, kidnappings, threats, assaults and attacks on media establishments. Fifty-four of these attacks were made in Punjab, 52 in NWFP, 28 in Islamabad, while three cases were recorded in Balochistan.

- In January 2009, the Council of Pakistan Newspapers Editors (CPNE) rejected the Printing Presses and Publications Amendment Ordinance for newspapers and magazines and urged the government to cancel the ordinance.
- The authorities served 64 legal notices on 18 private television channels in the 2008-09 period for violating the code of conduct formulated by PEMRA.
- On July 9 the President reissued the Prevention of Electronic Crimes, Ordinance (PECO) 2009 which covers 18 offences that carry severe punishment. It could be interpreted as giving authorities power to curb freedom of expression.
- In March 2009, the media was barred from covering the Senate election held in the NWFP provincial assembly building.
- An aggressive campaign by Jang-Geo media group for expeditious implementation of the Supreme Court verdict in the NRO case, and on corruption charges against the President angered the government which responded by withholding government advertisements from the group.

Freedom of assembly

- Worried at some high-profile protest rallies the government resorted to Section 144 and imposed restrictions on the right to assembly. The Section was imposed in Peshawar, Islamabad and across Punjab to prevent / restrict the lawyers' long march for the restoration of the judiciary.
- Several public gatherings were targeted like the attack on the Ashura procession in Karachi which claimed a high death toll and spread terror.
- In May, riots erupted in Karachi when KESC failed to address load shedding problems.
- Karachi shut down on the anniversary of the May 12th carnage of 2007 and daily life and business in the city came to a grinding halt.

Freedom of association

- In Karachi, more than 209 people, mostly belonging to political parties, were killed during the year under review and most probably on account of their political associations.
- Civil society organisations throughout Pakistan faced severe threats during 2009 in the wake of increasing terrorism and violence. Employees associated with NGOs in the country suffered huge losses which were often irreparable. They faced risks to their property as well as their lives.
- At least 34 trade union leaders were arrested during May 2009 all over Punjab. Also, during this period the Punjab police registered cases against 1,300 workers who were engaged in trade union activity.

Democratic development

- In 2009, three joint sessions of parliament were held. The first joint sitting was addressed by President Asif Ali Zardari.
- The National Assembly adopted 23 resolutions expressing its opinion on some burning issues of the day.
- The NA approved the first military operation in Swat on May 12.
- The Lahore High Court on October 7 postponed the polls in four constituencies –NA-55, NA-123, PP-82 and PP-284 - and ordered the Election Commission to announce new dates for the same in consultation with the political parties.
- On September 7, the President signed the Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009, aimed at introducing administrative, political, financial and judicial reforms in Gilgit-Baltistan. Elections for the Gilgit-Baltistan Legislative Assembly (GBLA) were held on November 12, 2009.
- A contentious issue of NFC Award between the four federating units was solved.
- Following the exclusion of local government laws from the Sixth Schedule of the constitution the local bodies became a provincial subject. The provinces started making their own laws relating to local government.

Women

- Violence against women registered a sharp increase during 2009. A total of 1,404 women were murdered. Out of these, 647 women were murdered in the name of ‘honour’ (including the cases of karo kari) while 757 were murdered for other reasons.
- A total of 928 rape cases were reported. Some 563 women committed suicide while 253 attempted suicide.
- One hundred thirty-five (135) women fell victims to burning.
- The domestic violence (including torture, beating, shaving, amputation, murder attempts) cases shot up from 137 in 2008 to 205.
- The government failed to enforce a new law to deal with domestic violence.
- The National Assembly passed the amendments in PPC and CrPC to define sexual harassment and propose enhanced punishment for offenders. The bill was passed by the Senate in the new year.

Children

- Pakistan’s child population of less than 18 years of age was 70 million – out of which almost 20.30 million did not go to school while around 20.80 million were less than five years of age. Around 35 per cent to 40 per cent of the children were out of schools.
- The infant mortality rate is 73 per 1,000 births against the MDG target of 40 per 1,000 in 2015.

- Around 20,000 children die of diarrhoea every year; nearly 20 per cent of the children suffer from asthma.
- Around 52 per cent of the children studying in seminaries experience sexual harassment.
- Almost 58 per cent of the girls in rural areas are married before the age of 20.
- Around 3.5 million children below the age of 15 are working in the country's rural and urban sectors, mainly informal.
- Pakistan suffered from a very high rate of child malnutrition with 39 per cent of children moderately or severely malnourished.
- 968 children, 285 boys and 683 girls, were sexually abused in the first six months of 2009.
- The number of street children in the country rose to 1.5 million.
- There were 1357 juvenile prisoners in jails; of these only 132 were convicts and 1,225 were facing trial.

Labour

- Estimated labour force in the country was 51.78 million – 40.82 million males and 10.96 million females.
- Although the female participation rate in the labour force increased in 2009, the female participation rate was still lower than the male participation rate.
- The ban on labour inspection was not lifted.
- In 2009, around 285,000 people lost their jobs in the banking sector, 61,200 in the computer industry, 115,000 in the construction sector, 120,200 in the electronic industry and 69,000 in the telecommunication industry.

Education

- Pakistan was ranked 117 out of 134 countries in terms of quality of primary education in World Economic Forum's Global Competitiveness Index for 2009.
- The budgetary allocation for the education sector for 2009-10 was 2.3 per cent of the GDP, less than the minimum amount of 4% recommended by UNESCO.
- At the end of 2009, an estimated 35% to 40% children of school-going age were out in the streets.
- Terrorists destroyed more than 187 schools and partially damaged 318 others forcing 50, 000 girls and boys to sit at home.
- About 4000 schools were being used for housing the IDPs.
- The Nizam-e-Adal Regulation dealt a blow to female education. Some 4,000 schools enrolling above 40, 000 girls were shut down, further worsening the primary-level gender gap ratio to 11.3%.
- The suicide bombing of Islamic University in Islamabad in October was followed by the shutting down of schools and universities all over the country for about a week and several days of schooling were lost.

- The New Education Policy draft was announced in early 2009 and met with much critical response.

Health

- There is only one doctor for 1,212 persons, one dentist for 18,010 persons and one hospital bed for 1,575 persons.
- The health budget for 2009-10 provided for per capita expenditure of less than \$16 which was far short of the \$34 recommended by the World Health Organisation to deliver essential services in a country.
- In April 2009, the federal government set up a task force to prepare a new national health policy to replace the one of 2001.
- As many as 116,719 cancer cases occurred and 85,812 deaths were reported.
- There were 85,000 individuals infected with HIV-AIDS in Pakistan out of which nearly two percent were children under the age of 14.
- Pakistan was ranked 8th among the TB-affected countries across the globe with the number of TB patients increasing every year. Around 75 percent of the TB patients in the country were youth.
- 13 cases of polio were reported from Swat by October 2009.
- Of the 1,078 renal transplants carried out in Pakistan in Sept 2007-March 2009, organs were obtained from live relations in 1,027 cases. Prior to the promulgation of the ordinance banning the sale of human organs, nearly 2,000 kidney transplantations were taking place in Pakistan annually of which only 500 were carried out under ethical conditions.
- 212 confirmed cases of Swine Flu, caused by H1N1 virus, were reported.

Housing

- In the absence of adequate housing facilities, slums (katchi abadis) continued to be the biggest housing issue in Pakistan. The displacement of more than 2.5 million people from Swat also created an issue of shelter for the displaced people.
- In the year under review, the total number of housing units in the country was estimated at 22.8 million out of which 67.5 percent were in rural areas and 32.5 percent in urban centers; the household size was 3.13 persons per room.
- The country currently faced a shortfall of nearly eight million housing units.
- There were 28 katchi abadis in Islamabad inhabited by more than 70,000 dwellers whose living conditions were appalling.
- In 2009, LDA demolished more than 200 temporary katchi bastis.
- There were 103 illegal housing societies in Lahore alone which were not approved by LDA.

Environment

- About 38 percent of Pakistan's irrigated land was waterlogged.

- According to official estimates, collective environmental degradation costs the country at least 6 percent of GDP or about Rs 365 billion per year.
- By the end of 2009, the total irrigation water shortage was estimated to be 33 to 34 per cent of the total requirement in 2010. However, Meteorological Department estimated it to be 40 per cent.
- More than 60 percent of the country's population was without access to safe drinking water. In Pakistan water availability per person per year was just a little more than 1,000 cubic metres, much less than the required normal standard of 1,700 cubic metres.
- The Sindh government distributed nearly 111,000 hectares of forest land for non-forest use during the year.
- Some 23,000 people died in the country because of air-pollution. As many as 45 million Pakistanis suffered from respiratory diseases, mainly caused by air pollution.
- More than 400 million gallons of untreated industrial waste were being discharged into the Arabian Sea daily out of which 80 million gallons was contributed by Karachi and the remaining came from the rest of the country.

Refugees

- The number of internally displaced persons (IDPs) swelled in the wake of military operations in Swat, South Waziristan, Bajaur, Orakzai and adjacent areas. At the end of 2009, there were 1.25 million IDPs including 500,000 children.
- Only 50, 000 Afghan refugees were repatriated to Afghanistan in 2009 as the process slowed down owing to bad security situation at home. There were 1.7 million registered Afghan refugees in Pakistan.
- Nearly 40,000 IDPs of Balochistan returned to their homes in 2009, while more than 40,000 were still displaced.
- As several conflict-affected areas were declared out-of-bounds for aid workers, many NGOs kept their workers away from these regions.

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4. Democratic governance

HRCP believes that governance should be based on democratic practices with the observance of rule of law and protection of human rights. HRCP invited the representatives of political parties from across the political spectrum to learn their views

regarding democratic governance in Balochistan.

There is a brazen hold of army over Balochistan. Since nationalist political parties boycotted elections, the army has practically taken over power. Complaints of human rights' violations are common all over the country, but in Balochistan they are far greater in number and intensity than anywhere else. The army officials blatantly and stereotypically deny the excesses committed against the citizens by security agencies. Decision-making related to law and order and

major governance issues is in the hands of the military. A repressive security establishment committing worst kind of human rights violations against the people and an ineffectual government with a miserable record of service delivery are two main factors that undermine the democratic development in the province.

The so-called transition to democracy had not started in Balochistan as the government was being run the way it was being run since the 1999 military coup. The situation has only worsened over time. After the assassination of Nawab Akbar Bugti, there was a feeling that the rulers might have learnt a lesson, but in the following days they became more aggressive and increased the use of force. It seemed that the establishment still wanted to resolve the issue exclusively through the use of force. During this period, a brief interval of relief had come with the release of Akhtar Mengal and the production of Wahid Qambar, a victim of enforced disappearance, before the court. But it is an open secret that the Military Intelligence (MI) and the Inter Services Intelligence (ISI) are still calling the shots. They are assisted in this by the F.C. The provincial government is confined to carrying out development works and allegedly in the process minting money through corruption. The Army and intelligence agencies are running the real show.

Political vacuum: As nationalist forces, belonging to both Pakhtun and Baloch communities, boycotted the last general elections, they have no representation in the provincial or national assemblies. However, in the subsequent Senate election these parties contested and won seats. In the absence of nationalist parties, there is a void in the political system which has been filled by the 'Civil-military bureaucracy

The role of intelligence agencies: According to HRCP's information & analysis, wide-spread corruption in the provincial administration and weak writ of the government are two major issues of governance in Balochistan. The overbearing presence of intelligence agencies, such as the ISI and the MI, in Balochistan and their actions against Baloch political activists further hamper the political process. Not only the opposition parties but also public figures pointed fingers at the intelligence agencies in some cases of targeted killing. For example, in Mastung, local residents nabbed an attacker who was carrying an ISI identity card. Some senior public figures confirmed this incident in their interviews with the fact-finding mission.

The excesses committed by the security establishment in Balochistan have increased the alienation of the Baloch people, pushing them away from the political process to militancy. The Baloch feel that security agencies treat them like enemies and as if they are not the citizens of Pakistan. It was a common complaint that the security personnel have adopted the same attitude and the same hatred towards the Baloch as they had for the Bengalis.

Issues of governance: Allegations of widespread corruption in the provincial government abound. It is alleged that each provincial minister has been given 140 million rupees in the name of development work as a bribe. It is generally believed in Balochistan the power of the state is in the hands of the military while the civilian government has been given a free hand to plunder the public exchequer. Nawabzada Talal Bugti, the son of late Akbar Bugti, complains that senior figures in the federal and provincial governments demanded a share from him for helping him receive his share of royalty from the Sui gas fields.

5. The Baloch concerns

The Baloch nationalists can be divided into two broad categories: (a) Those who want separation from Pakistan and loath any agreement with the establishment in Islamabad. They also oppose participation in the parliamentary electoral process and want to achieve their objective through militant means; (b) those who want maximum provincial autonomy within the state of Pakistan though their demands of provincial autonomy border on the confederal system of government. Some of them want autonomy or sovereign status as per the 1940 Lahore Resolution as they interpret it. These elements are willing to hold negotiations with the powers that be but on certain conditions, the withdrawal of army and paramilitary troops from Balochistan being the foremost condition.

The issue of separate Baloch identity: The ideological basis of the Baloch nationalist struggle, however, is the same whether they are separatists or demand greater provincial autonomy. Both groups are asserting a distinct Baloch identity and express frustration with Pakistan over what they deem the federation's failure to acknowledge the historical identity of the Baloch people. Abdul Hai Baloch, a Baloch leader who wants Baloch rights within the federal framework, presents his views in the following words:

‘The establishment has never accepted the fact that Pakistan is a multi-nation country. Pakistan came into existence in 1947, but Balochs, Pathans, Sindhis, Punjabis, and Seraikis have been here for centuries. They have their own cultures and languages.’

Major grievances of the moderate Baloch Nationalists

- The Baloch do not have control over their resources and Punjab has been exploiting Baloch resources for the last 63 years.
- The Baloch are not represented in the power structure at Islamabad.
- Pakistan's political system is not democratic and representative of the people, but is dominated by a single ethnic community, namely, the Punjabis.
- Institutions of the state are perpetrating excesses against the Baloch people, political activists in particular, leading to their killings, arbitrary arrests, enforced disappearances and humiliation.
- The Islamabad establishment is not trustworthy as it has backed out of its promises time and again and killed Baloch leaders, including Nawab Akbar

Bugti. However, trust may be reposed in some civil society organizations of Pakistan.

- Balochistan needs political autonomy and control over natural & economic resources, and not a mere financial relief package.
- Pakistani establishment is patronizing the Taliban movement and has helped them establish their sanctuaries in Baloch areas with a view to pitting them against the Baloch.

Control on resources and economic exploitation: The widespread grievance that Islamabad and Punjab are plundering Baloch resources could be understood in the words of a Baloch leader, Abdul Hayee Baloch: ‘Baloch are the most exploited people in the country. In 1952, natural gas was discovered in Balochistan, but Baloch people were denied used of that resource. They were denied opportunities to work at gas plants there. Naturally, people will react to all this. Pakistani federation owes billions of rupees to Balochistan. This region provides the cheapest gas to Pakistan. Minerals like gold are mined from Saindak but local people have been denied jobs in the mining company. The rulers are plundering our wealth.’

‘Non-Baloch people are also trying to occupy our land. First, they tried to change Balochistan's demography by bringing settlers from Punjab to cultivate the lands irrigated through the newly-dug Pat Feeder Canal. We foiled this attempt. Now they are trying this through mega projects like the Gwadar port. They have started selling Gwadar land as real estate to the people of Karachi and Lahore. The land mafia has pushed the local inhabitants of Gwadar 60 to 70 miles away from the main town. They have also tried to transform the Baloch into a minority in their own land by opening up industrial areas in Hub. The army has also occupied our land. They have set up a naval base in Omara. They have not spared even our national park and Pakistan air force has occupied 93,000 acres of the park's land.’

‘Punjab has occupied our resources. Punjab has patronized tribal leaders of Balochistan to keep the province backward. We were better off in 1948 when in our trade with Bombay (now Mumbai) our exports exceeded imports.’

Economic backwardness and deprivation: In far-flung areas of Balochistan, one cannot find any facility of life. In the words of Jamaat-e-Islami leader, Abdul Mateen. ‘The coastal highway does not pass through even a single union council of Makran district; it has been built for the benefit of civil and military bureaucracy.’

In Balochistan, education is destroyed. A large number of both public and private schools and colleges are closed. The same is the case with health facilities. Half of the population is infected with Hepatitis-B. Tuberculosis is quite common. Eye diseases are widespread. Health care for women is not available. Maternity homes do not exist in the countryside, and Baloch women

have to give birth on roads on their way from remote villages to the cities where such facilities are sparsely available.

The political viewpoint of moderate elements can be understood in their own words: ‘We all need to resist the army. The army’s internal and external policies have failed to deliver the goods. The whole country is burning due to its policies. If civil society had played its role, the country would have been better off.’

‘Today, an atmosphere of distrust prevails in Balochistan. Akbar Bugti had held talks with a parliamentary delegation; what happened to him? Can the army or civilian government in Islamabad be trusted? Who do you talk to when there is no trust?’

‘In the last 62 years, the people of Balochistan have never been rulers of their homeland. Baloch nationalists perceive Pakistani establishment as cruel and exploitative.’

‘They [the establishment] think they have monopoly on intellect and wisdom. They have allowed a controlled democracy only to cool down the tempers of the masses. They have never allowed a democratic government to stay in power. The longest continuous civilian period in our history was four and a half years.’

The position of Baloch separatists

- The Baloch territory and people were integrated into Pakistan through the use of force in 1948 while the Baloch representatives never approved this merger into the Pakistani nation state.
- The Baloch do not want to live with the Punjabis and want separation from Pakistan to form their own nation state.
- Both the Pakistani state and civil society are not trustworthy and are inimical to the cause of the Baloch people. The parliament and the judiciary cannot be helpful in the Baloch cause.
- If some organization wants to help the Baloch people, it should raise the issue of human rights violations at the international level, especially in the United Nations.
- International support for independence of Balochistan is welcome irrespective of who offers that, be it the United States or India. As external elements are gathered in Afghanistan to pressure Pakistan and NATO forces just 50 kilo metres away from Quetta, a favourable environment exists for Baloch nationalists to push through their agenda.

A Baloch leader, Habib Jalib Baloch, said: ‘Our main demand is the right of self-determination and self-rule. We appeal to the United Nations and other international organizations to help us. We want peaceful resolution of our dispute with Pakistan and to avoid bloodshed. We urge the UN to send peace keeping forces here to expel Pakistani forces from this region and then start talks for peaceful settlement of the issue.’

Dr Jehanzeb Jamaldini, of Balochistan National Party (Mengal) said: ‘The national democratic organizations in Balochistan are doing their job while

the militants are doing theirs. There is a section of people who has no hope in HRCP either.

They say their alienation is the outcome of 60 years of excesses and deprivation. Nawab Akbar Bugti's murder has worsened the situation. No one listens to the Baloch in the National Assembly and Senate. Every federal unit needs to have veto power in parliament. By adding the seats of FATA and Islamabad in the Senate, our representation has been diluted.'

A young Baloch political activist said Pakistan is a swear word for him. He talked about the humiliation people have to suffer at the hands of security agencies. He said FC officials grill them and humiliate them on their way to courts.

'The Baloch have had 60 years of experience and know that they cannot co-exist with Pakistan and appeal to HRCP to support them in their struggle for independence.' He said the Baloch would take up arms to fight for their independence from Pakistan.

Another young Baloch leader said: 'The Baloch are fighting for independence and would not give up this struggle come what may. I appeal to the HRCP to raise its voice on human rights' violations at the international level.'

'Pakistan has occupied the Baloch land for over 60 years and the only way out is the total independence of Balochistan from the occupation of Pakistan, Iran and Afghanistan. If the Baloch are terrorists, then so are the Chechens, the Kashmiris and the Palestinians fighting for their independence.'

'The Baloch are weak but they have not given up their nationalist struggle. All newspapers representing nationalist views have been closed. A murder attempt was made on senior Baloch journalist Jan Muhammad Dashti who is admitted in a London hospital in a precarious condition. My party, the BNP, organized a protest march from Gwadar to Quetta but the government stopped it by arresting 1,500 BNP workers. The Baloch are being subjected to state terrorism.'

International actors in the region: Baloch separatists think that Pakistan is beset with insurgencies in the northwest and a hostile setup in Afghanistan, and this provides the Baloch struggle an opportunity to exploit the situation for independence. The Baloch leadership seems to be looking at the situation in the perspective of regional developments, as NATO forces are deployed across the border in Afghanistan, only 50 kilo metres from Quetta. In the words of a young Baloch leader: 'There is nothing wrong in seeking foreign assistance in resolving the Balochistan issue. When foreign countries can play a role in the exile from Pakistan and then the return of Nawaz Sharif, a former prime minister, why can't the Baloch issue be resolved with the help of a foreign power? That is also justified because there is no democracy in this country.'

6. Enforced disappearances

A large number of involuntarily disappeared persons is one of the most explosive issues in Balochistan where more people have gone missing than any other part of Pakistan. There is a common impression that the missing persons, or most of them, have been picked up across the country by state agencies on suspicion of involvement in terrorism. But in Balochistan many missing persons belong to areas where no terrorist activity has been reported. The inescapable conclusion, subsequently backed by the statement of people released by security forces, is that a large number of Balochistan's missing persons have been targeted for their legitimate political activities/opinions.

There are claims of thousands of people picked up by agencies, but HRCP managed to verify in the first instance information about 240 people. The actual number of such persons is not known. The Baloch nationalists claim their number to be over 9,000, including several hundred women, but no one has offered particulars of these 9,000.

In HRCP's view, the disappearance of even a single person is a big crime, and if the state commits this crime it becomes an even more serious issue. In Balochistan, intelligence agencies including the police and the Frontier Corps are abducting people. The Commission demands that if the state has any complaint against a person, it should institute a case against him. The state should legally arrest him and proceed against him instead of abducting him.

In any case, the government's Balochistan rights package puts this matter high on the list of issues that need to be resolved. The government has now belatedly issued a form on which cases of missing persons should be reported. There is little doubt that this issue will be one of human rights activists' main concerns for quite some time.

HRCP started noticing this issue in 2004 when the number of missing persons from Balochistan rose sharply. By 2006 Balochistan accounted for an overwhelming majority of persons reported missing in a year. HRCP started collecting particulars of missing persons on the UN form (that the government has now discovered), by no means an easy task. In the beginning of 2007, HRCP moved the Supreme Court for the recovery/release of several hundred missing persons. By November 2007, about half of the persons listed by HRCP had been traced. The hearings stopped in November 2007 and have only recently resumed. HRCP continues to receive fresh complaints of enforced disappearances.

During consultations with the families of the disappeared people in Quetta (October 2009), HRCP Chairperson Asma Jahangir told them that in order to raise its voice about the disappeared people, HRCP needed certain details about them such as their name, parentage, address, and the ground for suspecting state agencies' involvement in the abduction. She said if these details are missing, the Commission cannot raise the issue either in the courts or in the United Nations. She told them that HRCP would provide them a form to be filled for the details of the disappeared people. Separately, HRCP also demanded of the government to sign the International Convention for the

Protection of All Persons from Enforced Disappearance so that it would become possible for rights groups to take up this matter in the UN's working group on this issue. She asked the audience to join hands with the HRCP to persuade public representatives and the government to sign this Convention.

HRCP concerns: These meetings threw up the following issues:

- The Baloch are extremely bitter that 'nobody cares for their disappeared persons.' They need to be engaged in a sympathetic manner.
- Families of the missing persons living in remote areas, and in not-so-remote areas such as Kalat, do not have the means to register their complaints.
- Most people do not know how to access redress channels.
- Families are unaware of the cases in courts.

District in Judiciary: Baloch political workers expressed their disappointment with the judiciary. In the words of Mohammad Sadiq Reesani, the president of Baloch Bar Association: 'Mr. Justice Iftikhar Chaudhry has not acted as a chief judge of the country but as a chief justice of the Punjab province. The Baloch do not recognize the chief justice of the Balochistan High Court. The Baloch want the status of their land to be reverted to the pre-1948 position when it was not part of Pakistan. In the past four years, the Baloch Bar Association has filed more than 500 petitions in the Balochistan High Court for disappeared persons, but the judges have not taken them seriously. Baloch people have lost confidence in the legislature and judiciary and are indifferent to these institutions.'

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Source: *State of Human Rights in 2009*, www.hrcp-web.org, pp.