

Role of Civil Society in Protecting the Rule of Law in Pakistan

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ROLE OF CIVIL SOCIETY IN PROTECTING THE RULE OF LAW IN PAKISTAN¹

Dr. Parvez Hassan²

A. EMERGENCE OF CIVIL SOCIETY AS A CATALYST OF CHANGE

Today, in December 2008, Pakistan is still recovering from the judicial crisis that originated, on 9 March 2007, by the forced ouster by General Pervez Musharraf of the Chief Justice of Pakistan, Mr. Justice Iftikhar Mohammad Chaudhry. The Chief Justice of Pakistan, the country's highest judicial officer, had pursued an activist role on the Supreme Court toward strengthening constitutional governance. When he moved, for example, to strike down the privatization of Pakistan Steel Mills on the ground that the Government had not acted transparently and had violated the provisions of the Constitution, the Government was not pleased with this action. The Supreme Court, under the leadership of the Chief Justice, had also opened an investigation of missing persons who had been allegedly removed by the military secret agencies and handed to U.S. custody on the grounds of their possible involvement in the war on terror. The Chief Justice had further moved to suspend some ambitious governmental projects on the ground that such development may cause environmental degradation.

To General Pervez Musharraf who, nine (9) years earlier, had ousted a constitutionally elected government in a military coup, these judicial interventions presented an emerging threat to his

1. Remarks made at the Regional Forum on "The Role of Civil Society in Promoting the Rule of Law in the Arab Region" organized by the Arab Center for The Rule of Law & Integrity (ACRLI) at the Hyatt Hotel, Amman, Jordan, on 3-4 December 2008. Related themes have been covered in the following articles/presentations of the author:

- (1) Environmental Protection, Rule of Law and the Judicial Crisis in Pakistan, a paper presented at the 5th International Congress on Environmental Law held in Rio de Janeiro, Brazil, on 22-24 May 2007, and published in Daibert, A., *DIREITO AMBIENTAL COMPARADO*, 67-82 (2008), 10 Asia Pacific Journal of Environmental Law 167-181 (Issues 3 and 4, 2007), and in 35 Pakistan Law Journal 278-292 (2007).
- (2) Rule of Law and the Independence of Judiciary: The Judicial Crisis in Pakistan, 2007-2008, a paper presented at the 6th International Congress on Environmental Law held in Rio de Janeiro, Brazil, on 27-30 May 2008.
- (3) The Role of Lawyers in Protecting the Rule of Law in Pakistan, a paper presented at the Human Rights Panel chaired by the Honorable Justice Ruth Bader Ginsburg of the U.S. Supreme Court at the World Justice Forum, sponsored by the American Bar Association, held in Vienna, Austria, on 2-5 July 2008.

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otherwise unquestioned authority in Pakistan. With five (5) serving and uniformed Generals on his side, General Pervez Musharraf intimidated the Chief Justice to resign. When the Chief Justice refused to resign, he was immediately suspended and removed from his office and subjected, in full public view, enhanced by round the clock TV news coverage, to disgrace and humiliation in his arrest and incommunicado detention. His official transport was forklifted from his house and his telephone and TV facilities were disconnected.

All this started on the afternoon of 9 March 2007 and by the time that the country found that evening that the Chief Justice had refused to resign following the threats of General Pervez Musharraf and saw, on TV, the spectacle of his humiliation, a star had been born in Pakistan. Stardom came mostly because of the uniqueness of the act of defiance to the General President of Pakistan.

The history of Pakistan changed after 9 March 2007 in the movement that started for the restoration of the Chief Justice. First, the legal community came out in a massive protest against this unconstitutional action of General Pervez Musharraf. But, equally importantly, the Civil Society joined the movement of the lawyers for the restoration of the Rule of Law in Pakistan. And, it is this involvement and success of Civil Society in Pakistan that I bring as an example for the Arab World that seeks to strengthen Civil Society in the protection of the Rule of Law in the Arab World.

If I fast-forward my story, I need to state, for the sake of completeness, however, that following an upsurge of a popular movement in Pakistan, importantly supported by Civil Society, the Chief Justice was reinstated, on 20 July 2007, by the unanimous decision of the Supreme Court of Pakistan. The taste of success was an important result and, for the first time in Pakistan's history, Civil Society on the side of the legal community, had emerged as an important player in our national events.

When a humiliated General Pervez Musharraf was next challenged in a case before the Supreme Court, he took no chances. Anticipating an adverse decision against his continuation as the President of Pakistan, on 3 November 2007, he declared an emergency which in fact was a declaration of Martial Law in that he suspended the Constitution, dismissed over sixty (60) Judges of the Supreme Court and of the four (4) High Courts of the Provinces of Pakistan, including the five Chief Justices of these Courts.

Encouraged by what the movement of lawyers and Civil Society had accomplished against the first ouster of the Chief Justice of Pakistan, the country witnessed nationwide protests, rallies and strikes that had become familiar since March 2007 on the ouster of the Chief Justice. Important in this reaction was the prominent role and involvement, once again, of Civil Society. Civil Society included people from all walks of life, businessmen, shopkeepers, students, farmers, labourers but a new element in Pakistan's street agitation was the prominent participation of women and activist CSOs led by women.

The elections in February 2008 vindicated the efforts and sacrifices of Civil Society in that the electoral result was declared to be supportive of the demands of Civil Society. The restoration or reinstatement of the Judges who had been illegally sacked on 3 November 2007 and the removal of General Pervez Musharraf had become the rallying point in the elections of 2008. The movement in Pakistan led to the resignation and removal of General Pervez Musharraf – pointing to the might of right in a country that had till then lived with might as right. And, the parties and the candidates that won these elections were perceived to have been mandated by the electorate to reinstate the sacked Judges as the top priority on the transition of power to them. This has happened substantially, though not completely and satisfactorily. As per the expectations of the electorate, the Chief Justice of Pakistan and a few other Judges have still not been reinstated but that part of the story is not relevant to this Conference in Jordan. What is relevant for us here is to acknowledge that the events in 2007– 2008 in Pakistan introduced Civil Society as a major catalyst of change in Pakistan. And that is the good news that I bring to this Conference.

B. FACILITATIVE FACTORS IN THE EMERGENCE OF CIVIL SOCIETY

Any assessment of the emergence of the catalytic role of Civil Society in Pakistan since 2007 will point to the following relevant and conditioning factors:

1. Grotesqueness of the Actions of General Pervez Musharraf

Pakistan, unfortunately, has a history of repeated coup d'états. More than half of its national life has been dominated by the military rules of Ayub Khan, Yahya Khan, Ziaul Haq and Pervez Musharraf. The political processes before these take overs were not operating successfully or had

been engineered by the military secret agencies to appear failing and the coups were even welcomed by Civil Society. The judiciary followed by validating the take overs.

When General Pervez Musharraf decided to take action against the Chief Justice of Pakistan in March 2007, he was fully in control and there was no credible challenge to his authority. Civil Society was a silent spectator to his continuing military rule, supported up by a civilian puppet assembly, and the sea appeared calm. This gave him the false comfort to take the unprecedented action of removing the Chief Justice. He also likely took into account the fact that the Chief Justice had serious detractors in the legal community. But General Pervez Musharraf went into an over drive in the humiliating manner of his action. The people of Pakistan had, in its six (6) decades, accepted the removal of elected Governments and Prime Ministers by military dictators. Against this history, the removal of a Chief Justice should not have appeared too daunting a task for General Pervez Musharraf. He could have, in some assessments, gotten away with what he did had he done it in a manner that did not so blatantly violate human dignity and so publicly humiliate the country's highest judicial officer. It was grotesque to watch the Chief Justice being physically manhandled by the police as he defiantly walked to the Supreme Court to challenge his removal. His being held incommunicado during his arrest with his family with no access to telephones, TV and disallowing his children to go to their schools and meet their friends revolted the conscience of the nation.

Civil Society that had last stirred against the military dictatorship of Ayub Khan in 1968-1969 came out of its slumber to challenge the outrage so blatantly perpetrated against the Chief Justice in March 2007 and on the arbitrary and unconstitutional removal, in November 2007, of over sixty (60) Judges of the Supreme Court and High Courts, representing over 2/3rd of the total superior judiciary of the nation.

2. Leadership of the Legal Community

It is an important legacy in the history of South Asia that lawyers have provided leadership in the freedom struggle against the British Empire. Mohandas Gandhi, Jawaharlal Nehru and Mohammad Ali Jinnah were all lawyers who captured the imagination, respect and love of the peoples of British India. As independent countries, the peoples of India, Pakistan and Bangladesh have continued to look to the leadership of the legal community in national crisis and, particularly, when the Rule of Law is threatened in their societies.

In Pakistan, the lawyers repeatedly stood up against the military dictators. I was privileged to lead the national lawyers movement against General Ziaul Haq in 1983 but popular as this effort may have been, the support to us of Civil Society was limited to it applauding our street marches and showering us with flowers and rose petals as a mark of its appreciation. But Civil Society never actively joined our struggle.

The movement against the removal of the Chief Justice and other Judges of the superior judiciary in 2007 was spearheaded by the legal community. Boycott of courts, street protests, bar association meetings, public meetings, and sit ins – all over Pakistan – were the effective means of defiance. The charisma of the leadership of the Supreme Court Bar Association energized the movement and the result was that it resonated even in small cities and rural areas where there were only a handful of lawyers.

So nation-wide was the anger against General Pervez Musharraf that Civil Society was inevitably drawn into becoming an active and important supporter of the movement. It had developed from its bystander role in the movement against Ziaul Haq in the early 1980s to a critical leadership role against Pervez Musharraf in 2007.

3. Support of the Media

The openness which Pakistan society had achieved in terms of the freedom of the media and its ready access to information defined the reaction to Pervez Musharraf's actions in 2007. The bold and dedicated support of the media – both print and electronic – influenced both the movement and the result. The particular impact of the new electronic media was spectacular. Pakistan had graduated in the 1990s from a one state channel country to about sixty (60) private channels. Each of the private channels, almost without exception, displayed sympathy for the movement in the repeated and extensive coverage of the public humiliation of the Chief Justice, of daily mass protests, of daily activities of bar associations, and of popular talk shows critical of the removal of the Chief Justice. Round the clock coverage of these events created a hype against General Pervez Musharraf.

Although each picture shown on the electronic media was worth a thousand words, the print media also was fully supportive in educating the people of Pakistan about the illegal and unconstitutional acts of General Pervez Musharraf.

4. Legacy of Rule of Law

Sixty (60) years after its founding and following three Constitutions (1956, 1962 and 1973) and several mutilations and revivals (Provisional Constitution Orders and Revival of Constitution Orders) by military rulers, the Rule of Law continues to be the binding glue in our nation-building. Rule of Law is founded and flourishes on the supremacy of law facilitated by a system of governance that is democratic, participative and transparent and, importantly, supported by a strong and independent judiciary.

Each of the Constitutions of Pakistan provided an unequivocal vision for this country: a system of governance dedicated to social justice, fundamental rights, inter-provincial co-ordination and harmony and anchored on principles of federalism and on separation of powers between the Executive, Legislature and the Judiciary. A specific and separate role was visualized and provided for each of these important organs of the State. The 1973 Constitution, presently in force, reinforces this vision with the helpful interpretation by our superior judiciary.

The classical formulation of the supremacy of the Rule of Law is included in Article 4 of the Constitution:

4. Right of individuals to be dealt with in accordance with law, etc. (1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.

(2) In particular—

- (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;
- (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and

- (c) no person shall be compelled to do that which the law does not require him to do.

There is a plethora of case law developed by the Supreme Court of Pakistan and the High Courts of Pakistan that has entrenched the need of the independence of the judiciary as an important sine qua non of the Rule of Law.³

The removal of the Chief Justice in March 2007 and, later, the dismissal of over sixty (60) judges of the Supreme Court and the High Courts of Pakistan was perceived by Civil Society as a frontal attack on the judicial fabric of our nationhood.

Although the savagery of General Musharraf's actions against the judicial system in Pakistan had provoked the unprecedented response of Civil Society, Pakistan has a long history of the involvement of its people in protesting and defying unpopular and unjust acts of the government. First, the freedom struggle in British India had involved the people in the entire urban and rural landscapes of the sub-continent. The Quit India movement had fired the imagination of a subject and awakened peoples to sweep away the British Raj from its Crown Jewel. Gandhi's call for a non-violent struggle based, among others, on a boycott of British goods had involved every class, area, and segment of society and shown to people the potency of its involvement. Jinnah, similarly, had involved the Muslims of the sub-continent in their first modern political indoctrination. His constitutionalism and his reliance on law echoed the faith of the people of his new country in the Rule of Law.

The legacy of Pakistan's founder was brutalized by repeated military coups but it was an important measure of the resilience of its political culture, on which Pakistan was founded, that its people and masses remain committed to participating in its national direction. This passion has emerged in the elections that have been periodically held in Pakistan. That each military dictator felt compelled to hold elections is a testament to the thriving political genius of its society. The involvement of the masses in the elections in 1970, 1977 and 2008, particularly, had a profound effect on the future of Pakistan after these elections.

3. See, generally, Al-Jehad Trust vs. Federation of Pakistan, PLD 1996 Supreme Court 324, State vs. Ziaur Rahman, PLD 1973 Supreme Court 49, Asad Ali vs. Federation of Pakistan, PLD 1998 Supreme Court 161, Government of Sindh vs. Sharaf Faridi, PLD 1994 Supreme Court 105, and Sharaf Faridi vs. Federation of Pakistan, PLD 1989 Karachi 404.

5. The International and National Potency of Human Rights

International and national developments toward acknowledgment of human rights as an important commitment of any civilized society also influenced the involvement of Civil Society in the movement against Pervez Musharraf. His crude intervention against the judiciary in Pakistan were perceived as grossly violative of human rights and the constitutionally-mandated supremacy of civilian rule.

(1) International Acceptance

One of the most remarkable developments in the second half of the last century was the internationalization of human rights. Articles 55 and 56 of the United Nations Charter enabled the U.N. General Assembly to adopt the Universal Declaration of Human Rights in 1948. This lofty and inspirational proclamation put human rights at the center of international attention. It unleashed energies and commitments at the global, regional and national levels to reinforce the basic dignity and rights of all human beings.

The International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights, both adopted in 1966, carried the declaratory content of the Universal Declaration to the binding obligation of States which sign and ratify the International Covenants.

At the regional level, Europe, after World War II, had recognized that international peace is inextricably linked to the protection of human rights. It set to work to avoid the recurrence of future persecutions, dehumanization and decimation of peoples. The European Convention of Human Rights, 1950, provided a regional commitment to enforce, at the supra national level of the European Commission of Human Rights and the European Court of Human Rights, the standards provided in the European Convention on Human Rights in case a State Party failed to meet such standards.

In the Americas, the Inter-American Convention of Human Rights has anchored the work of the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights.

In the Arab Region, the Arab Charter on Human Rights, 2004, provides unfulfilled expectations. The African Charter on Human Rights and Peoples' Rights, 1981, is another landmark commitment.

Beyond the anthropocentric orientation of these human rights declarations and treaties, the Stockholm Declaration on the Human Environment, 1972, and the World Charter for Nature, 1982, pioneered with internationally accepted set of rights in respect of the environment and nature. The Rio Declaration on the Environment and Development, 1992, progressed this to sustainable development and the Johannesburg Principles, 2002, particularized special attention to water, energy, health, agriculture and biodiversity as important to a quality of life. The consistent commitments in Stockholm, Rio and Johannesburg to poverty alleviation established the nexus of sustainable development with human welfare.

These international winds were to inevitably resonate at the domestic level and states strengthened or introduced the protection of human rights in their Constitutions or basic laws. An activist judiciary was the next step to safeguard, advance and enlarge constitutionally protected human rights.

Western literature and writings emphasize the Anglo-Saxon origins of human rights. The Magna Carta, 1215, the French Declaration of the Rights of Man and of the Citizen, 1789, and the U.S. Declaration of Independence, 1776, are cited in this respect. But what is generally overlooked is that the Farewell Address of Prophet Muhammad (PBUH) is the first comprehensive catalogue of human rights declared in any society:

O People, lend me an attentive ear, for I know not whether after this year I shall ever be amongst you again. Therefore listen to what I am saying very carefully and take these words to those who could not be present here today.

O People, ... regard the life and property of every Muslim as a sacred trust. Return the goods entrusted to you to their rightful owners. Hurt no one so that no one may hurt you.... Your capital is yours to keep. You will neither inflict nor suffer any inequity....

O People, it is true that you have certain rights with regard to your women but they also have rights over you. Remember that you have taken them as your wives only under Allah's trust and with His permission. If they abide by your right, then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers. And it is your right that they do not

make friends with anyone of whom you do not approve, as well as never to be unchaste....

All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over a black nor a black has any superiority over a white - except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly....

The Holy Prophet declared the right to life, rights to property, rights of women, equality of all human beings including racial equality as fundamental human rights. Islam, therefore, provided the first foundations on which the edifice of human rights was constructed at national, regional and international levels. The Arab Region and the Muslim world needs to build on this legacy to promote the Rule of Law.

(2) Constitutional Primacy of Human Rights in Pakistan

The Constitution of Pakistan, in its Part II, provides the human rights anchor in the detailed provisions on Fundamental Rights and Principles of Policy. The Fundamental Rights – Articles 8 to 27 – include the several civil and political rights such as the right to life and security, safeguards as to arrest and detention and freedom of movement, assembly, association and speech. This is a familiar catalogue of rights included in the U.N. Universal Declaration of Human Rights, 1948 and the International Covenant on Civil and Political Rights, 1966. Importantly, however, the Fundamental Rights in Pakistan are justiciable/enforceable by the superior courts of Pakistan (Articles 8, 199(1)(c), and 199(2)).

The Principles of Policy (Articles 29 to 40), including some of the rights contained in the International Covenant on Economic, Social and Cultural Rights, 1966, provide guidelines for the actions of any organ or authority of the State but their observance is “subject to the availability of resources” (Article 29).

Constitutionally protected “fundamental rights” are at the apex of rights recognized and enforced in Pakistan. This special regime is facilitated by the writ jurisdiction of the High Courts of

Pakistan (Article 199) whereunder the High Courts are mandated to directly protect fundamental rights in case there is no other “adequate” remedy. Even the Supreme Court of Pakistan is enabled to directly, and in original jurisdiction, protect fundamental rights if such enforcement raises questions of “public importance” (Article 184(3)).

Fundamental Rights-based jurisprudence of our superior courts has pointed to a broad and expansive interpretation and the courts have developed a rich corpus of case law, particularly in public interest litigation, in ground-breaking judgments covering (1) bonded labour, (2) malpractices in our educational system, (3) protection to women subjected to any sex related offences, (4) protection of the property rights of female heirs/owners by issuance of directions to the Attorney-General to take steps to amend the relevant existing law or to cause fresh legislation to be initiated for securing their rights, (5) prevention of exploitation of the children by restraining the authorities from taking them to public places for reception of dignitaries, (6) suspension of all restrictions imposed against nurses working in military hospitals and air hostesses of Pakistan International Airlines to getting married while in service, (7) staying public hangings as being contrary to the Constitutional provisions guaranteeing dignity of man, (8) issuing guidelines for controlling the traffic muddle in Karachi, (9) checking the practice of extortion of money by Railway staff from the passengers traveling in the Samjhota Express (train running between Pakistan and India) and appointing a Commission of Advocates and human rights activists to monitor the situation, (10) directions to the Federal and Provincial Governments to stop making appointments against the recruitment rules, a practice which was violative of fundamental right of equal opportunity for all citizens to enter upon a profession, and (11) issuing guidelines to be observed by the authorities to check environmental pollution caused by fumes of motor vehicles, deforestation, open sewerages, and dumping of nuclear waste.⁴

In Shehla Zia vs. WAPDA⁵, the Supreme Court of Pakistan expanded the fundamental rights to life (Article 9) and dignity (Article 14) to include the environment and the quality of life although the Constitution has no specific provisions to protect the environment. This judicial

4. See, generally, Dr. Nasim Hasan Shah, Public Interest Litigation as a Means of Social Justice, in 1993 All Pakistan Legal Decisions (Journal), 31, at 33.

5. PLD 1994 Supreme Court 693.

activism spawned several important interventions by the subordinate and superior courts based on environmental considerations.⁶

6. Support of the International Community

Although the movement for the Rule of Law in Pakistan that started in 2007 was home driven, it was helped by the encouragement that it received from outside Pakistan. Bar associations, particularly, across the globe applauded the sacrifices and efforts of the legal community in Pakistan. Civil Society at home was also influenced by the citations and honours announced for the removed Chief Justice and other Judges by eminent organizations such as the American Bar Association and by such respected institutions as the Harvard Law School.

The outpouring of concern over my arrest on 5 November 2007 in a lawyer's rally in Lahore – which was covered by the international print and electronic media – from friends all over the world showed to me personally how international the Pakistan movement had become. And, the response, including standing ovations, that presentations on the Judicial Crisis in Pakistan received in Rio de Janeiro in 2007 and in Vienna in 2008 also showed the powerful resonance of our commitment.⁷

C. LESSONS FROM PAKISTAN'S EXPERIENCE

The events in Pakistan have shown that the quest for the Rule of Law in Pakistan in 2007-2008 was facilitated by several factors including, particularly, the following:

1. Historical Legacy and Civilian Supremacy over the Military
2. Constitutional Governance
3. Primacy of Human Rights as Fundamental Rights and their justiciability

6. See, generally, Dr. Parvez Hassan, Shehla Zia vs. WAPDA: Ten Years Later, in 2005 All Pakistan Legal Decisions (Journal), 48-57, and Dr. Parvez Hassan and Mr. Azim Azfar, Securing Environmental Rights through Public Interest Litigation in South Asia, in 22.3 Virginia Environmental Law Journal, 216-236 (2004).

7. These presentations were made in the Conferences listed in supra note 1.

4. Independence of the Judiciary
5. Freedom of the Media
6. Freedom of Information and the Right to Know
7. Vibrant Civil Society and Bar/Professional Associations
8. Empowerment of Women

The Arab Region, over fourteen (14) centuries ago, came out of its dark ages, inspired by the egalitarian appeal and message of Islam, to lead the international community in just and good governance. This shine must be brought back in the Arab Region and this Conference has rightly identified the potential role of Civil Society and the Rule of Law in catalyzing the next renaissance in the Arab Region.

The first step in that direction would be that the constitutional dispensations in the Arab World should be reoriented, where necessary, to emphasize the supremacy of the Rule of Law, supremacy of civil rule, human rights, and, particularly, the freedom of the media, all to be secured through an independent judiciary.

Civil Society can have an important role in the democratization of the Arab World. This is the lesson that we are learning in Pakistan. But Civil Society cannot be effective unless the constitutional, legal and regulatory framework in the country enables its effective existence and participation. Civil Society, itself, can be strengthened by the frequent holding of free and fair elections. Increasingly, Civil Society is also helped by the promotion and development of the Civil Society Organizations (CSOs). To begin with, it is important that the national laws enable the setting up of CSOs without excessive requirements as to the incorporation and functioning of the CSOs. The national laws should, further, ensure autonomy in the governance and pursuit of the activities by these organizations. Weak and non-representative Governments that do not like opposition or differences of opinion generally discourage CSOs and frequently use the label of

unpatriotism to discredit these organizations. Fingers are raised, many times without any basis, of the foreign and suspect funding of these organizations.

For the development of a healthy Civil Society that participates meaningfully and effectively in the development of its country, the CSOs must be provided a satisfactory framework for their operations and autonomy. It would, all the same, be important to accept that the Government should be able to require that the accounts, for example, of the CSOs be subject to appropriate audits by certified Accountants. In Pakistan, the audit of accounts by Chartered Accountants provides the professional comfort of the correctness of the accounts. Similarly, it would not be unreasonable for the Government to require the disclosure of any foreign funding received by an CSO. I have indicated these two (2) areas where governmental regulation may, in circumstances such as in Pakistan, seem reasonable but it is for each country in the Arab Region to strike the balance between unleashing the potential of Civil Society and any security considerations in the public interest. Strengthening bar associations and professional associations would similarly build the capacity for monitoring and facilitating the Rule of Law.

The freedom of the media is an important support to a vibrant Civil Society. The ability of the electronic media, particularly, with the proliferation of Cable TV in the last several years, has introduced a new factor in the instantaneous and graphic dissemination of events and news to reach millions of people not only nationally but across the globe.

Fundamental to the involvement of Civil Society and the media is also the need for them to be given access to information. In the aura of secrecy that many non-representative governments conduct their affairs, it is vital that appropriate Freedom of Information legislation be introduced so that Civil Society and the media can access information vital to their participation in the affairs of the community and the country and the accountability of their rulers.

A parallel theme that emerges in the success of Civil Society is the need to particularly empower women. The brief and recent experience in Pakistan showed that the involvement of women was important in the voice of Civil Society. It is the popular impression in the West that Muslim societies suppress women and do not allow them an effective voice in the country. The

empowerment of women will bring out this vastly untapped potential of creativity, dynamism, and energy in the Arab World.

My final recommendation to the Arab Region is to develop, foster and liberate the genius of its judiciaries. A strong and independent judiciary has been known, in Pakistan and India for example, to carve out economic and social justice to directly reach the poor and marginalized sections of their communities. It has been my favorite theme that an independent and activist judiciary fills the vacuum created by the inactions and apathy of insensitive law-makers and a resource stressed Executive. May be, the judiciaries in the Arab Region, supported by a well-trained legal community, will strengthen the foundations of the Rule of Law and deliver where the Executives and the Legislatures have not.