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### Magna Carta for Pakistan

Opinion | Dr Nadeem Ul Haque And Malik Ahmad Jalal | November 17, 2020

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In 1215 AD, King John of England signed the Magna Carta (“The Great Charter”) – a historic power-sharing arrangement with a group of rebel barons. Its philosophy is enshrined in the British legal system, as well as the American constitution. What were the principles of Magna Carta that led to the emergence of two successive superpowers?

In its sixty-three clauses, the thirteenth century barons engaged in deep thinking on a mechanism for opposing power holders to co-exist by constraining their own powers, with a system of local government (city charters), granting greater protections to citizens from themselves to ensure that power was not concentrated in a few hands – a far greater vision for nation-building than the twenty-first century leaders of our country.

The Magna Carta eventually led to the creation of a governance system of parliamentary democracy, affirmed liberties of local management for cities like London, giving all English subjects the right to a fair trial. Most importantly, the document established a balance of power between the barons and the king, so the nation could progress without being paralyzed by struggles for power. The history of great nations and empires are marked with such grand bargains and landmark arrangements which demonstrate great statesmanship and sacrifice, of constraining the power of your constituency and devolving it to citizens to become more united and powerful as a nation.

Looking back at 73 years of our own upheavals – competition for absolute power between strong constituencies, from “vote ko izzat dou” to hybrid regimes, the National Reconciliation Ordinance, Charter for Democracy, but no statesmanship of the Magna Carta level. Our charters are about gaining absolute power, or perpetuation of self-power- for my family, clan or institution. They are mere affirmations of ‘my might is right’ and not an act of state-craft by distributing power and creating an ownership society.

All institutions want a say in policymaking, but there must be an institutional mechanism for engagement between different state institutions for long-term policy development, though no key players address the central issue of setting up the rules of power sharing and accountability. So, we live in a state of perpetual crisis, from commissions to reconciliations, or from the Alliance for Restoration of Democracy (ARD) to the Pakistan Democratic Movement (PDM).

Without agreed rules of respective responsibility and accountability enforced through an institutional setup, we act like spoilt children seeking absolute power – what King John too craved. Instead of collaboration, cohabitation, we seek total domination and unquestioning loyalty. This is the reason our fight is about getting into government, but not whether parliament performs or not.

Political families keep party leadership within the family. Such tight control of talent to run the party, and hence government, precipitates mis-governance and mis-management. Family comes first, then political party and the nation perhaps last. The establishment too are caught in the game, with hardly any strategy for systemic improvements.

And Pakistan continues to wait for statesmen or intellectuals who can develop blueprints of a grand bargain for our country’s progress. We dream of a Pakistani Great Charter which will strike a settlement between players, to reframe the existing zero-sum and divisive political game of maximizing their share of national wealth, to aligning all constituencies to increase the size of national wealth, so everyone has a greater share to themselves. For this, thinkers and ideologues must develop grand reform ideas.

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with only 30 percent votes. A system of ranked choice on the ballot with proportional representation will make our electoral process more egalitarian, inclusive, and break old political monopolies.

There should be a clear definition of a party that can be listed on the ballot, as an entity with regular ECP-managed internal party elections. Without this condition, a party should not be listed on a ballot. There can also be a requirement of a minimum membership in each province to be registered on the ballot, to force political parties to appeal across linguistic, ethnic boundaries.

Legislators must be legislators. They can have no say in development projects or in executive decisions. No more than five percent of the legislature can have any executive position – to keep a clear divide between legislature and executive. Term limits must be reinstated not only for the PM, but for legislators too. Representation is not a lifetime entitlement or subject to the ability to buy votes.

A Great Charter must be backed by a process of deep consultation, involving small town-hall meetings to draw up plans for the deep reform of all our colonial institutions, from the civil service to judiciary, from intellectual spaces to defence forces – to build an institutional and governance architecture for the digital age. The process should culminate in parliament, and not in half-baked ordinances or amendments that are orchestrated in the dark of night.

The concept of Charter is embedded in Hadith. When Prophet Muhammad (pbuh) entered Mecca in a glorious victory, instead of retribution he sought co-existence with local power players by assigning houses as refuge of peace forging humanity's first City Charter with the residents of Mecca. The reverent final sermon at the Hajj was about protecting property, keeping trust and equality before Allah of Arabs and non-Arabs – forging the Charter for Muslim Nationhood, to progress as a unified cohesive body, even as diversity increases.

Nation-building is a decades-long project that requires statesmen to think beyond themselves, their families, and to strive for the growth of our nation by bringing out its best facets and strengths of constituencies together. This is not only politically correct, but an obligation incumbent upon all of us.

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