

Building Blocks of National Growth and Prosperity

Rule of Law and
Accountability

**Building Blocks of National Growth and
Prosperity
Rule of Law and Accountability**

Keynote Address

By

Dr. Shoaib Suddle

**One-Man Commission on Minority Rights
Constituted by the Supreme Court of Pakistan**

NUST Institute of Policy Studies (NIPS)

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Moderator

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- Air Marshal Farhat Hussain Khan HI (M), SBt (Retd), President, Centre for Aerospace and Security Studies (CASS), Rawalpindi.
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Profile of the Speaker



Dr. Shoaib Suddle is the most decorated veteran public servant of Pakistan. He has worked for over 35 years in both staff and field assignments. He is regarded as a leading criminal justice reform and counter-terrorism expert in South Asia. He is coauthor of Police Order 2002 which replaced the 141-year-old Police Act, 1861. He has several publications to his credit, published nationally as well as internationally. He is a resource person with many national and international organizations, including United Nations Office on Drugs and Crime, and United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, Tokyo, for the last thirty years.

Dr. Suddle is currently serving as One-Man Commission for Minority Rights constituted by the Supreme Court of Pakistan in 2019 to oversee the implementation of its judgment (PLD 2014 SC 699) on minority rights.

Dr. Suddle has previously served as the Federal Tax Ombudsman,

Pakistan (2009-2013), Director General Intelligence Bureau (2008-2009), Inspector General of Police, Sindh (2008), Director General, National Police Bureau (2004- 2008), Inspector General Police, Balochistan (2001-2004), Police Chief, Karachi (1995-1996), Police Chief Rawalpindi (1993-1995), Deputy Commandant, National Police Academy (1991-1993), and Director Economic Crime, Federal Investigation Crime (1989-1991).

Dr. Suddle holds a PhD in White Collar Crime from the University of Cardiff, the United Kingdom.

1. Introduction

NUST Institute of Policy Studies (NIPS) organized the keynote address by Dr. Shoaib Suddle on the “Building Blocks of National Growth and Prosperity: Rule of Law and Accountability” on Tuesday, January 31, 2023. Moderated by Director NIPS Mr. Amir Yaqub and attended by veteran statesmen, think tank experts, legal experts, seasoned analysts, researchers, and students, the address was held as part of NIPS Lecture Series – 2023.

A distinguished and highly decorated former civil servant, Dr. Suddle, currently One-Man Commission for Minority Rights constituted by the Supreme Court of Pakistan, stated that swift, impartial delivery of justice and the uncompromising rule of law were two fundamental pillars of functional and thriving states and societies. He highlighted the timeless significance and relevance of the rule of law and justice in the context of the Quranic guidance and the ideology of Pakistan’s Founding Fathers.

Dr. Suddle pointed out that public servants must be competent, ethical, independent, neutral, and sufficient in number, and must have ample resources to serve the public honestly and efficiently. He highlighted that legislative, judicial, auditing and review, and public constraints on government powers ensured proper functioning through timely accountability.

The eminent speaker maintained that all the organs of the state, including, legislature, executive and judiciary, were responsible for upholding the rule of law. He further stressed that open government was contingent upon the universality of this responsibility. He underscored that only a state characterized by openness resting on the rule of law could guarantee the fundamental rights and security of the citizens.

The veteran public servant cautioned that societies warped by the generational diffusion of corruption, especially in the dispensation of civil and criminal justice systems, were vulnerable to instability, anarchy, and polarization. Dr. Suddle further stressed that corruption was the biggest enemy of equal opportunity, and perhaps the biggest factor in the erosion of public trust in the institutions of the state, without which rewards, obligations, and sanctions could not be enforced in the state, economy, and the society. He cautioned that the very survival of the state demands that public officials act in good faith and eschew bad faith in the lawful exercise of authority.

The interactive discussion following the keynote called for a series of urgent measures such as: judicial reforms; civil service, especially police, reforms; non-discriminatory accountability; and constitutional precedence and observance as cast-iron anchors for socioeconomic stability of the state, national growth, and comprehensive development.

In his closing remarks, Dr. Ashfaque Hasan Khan, Principal, NUST School of Social Sciences and Humanities (S3H) and Director General NIPS, thanked the keynote speaker and the participants for their constructive, concrete, and relevant interventions.



2. Keynote Address

Building Blocks of National Growth and Prosperity: Rule of Law and Accountability

Dr. Shoaib Suddle



2.1. “Pakistan Dream”

On the eve of independence, Pakistan’s Founding Father, Quaid-i-Azam Muhammad Ali Jinnah, held out a simple but compelling foundational vision for Pakistan that was inspired by the timeless ideal of justice based on the rule of law. It could be called the “Pakistani dream.” It was an unsullied vision of a prosperous, equitable, tolerant, and dynamic Pakistan. However, the vicissitudes of fortune and the unrelenting squeeze of various exigencies during the eventful history of the country impeded the translation of that inspirational vision into reality.

Pakistan today faces existential economic, political, social, and governance challenges. The foundational vision of Quaid-i-Azam is needed urgently today if those colossal challenges are to be converted into unprecedented opportunities. Rule of law alone can restore public confidence and enable the nation to grapple with its manifold problems. It will galvanize the will of the people and synergize their actions for surmounting the national challenges. No major development goal, whether it is a question of becoming an upper middle-income country or the realization of the Sustainable Development Goals by 2030, can be met without the irreducible guarantee of the rule of law and justice.

2.2. Why Are the Rule of Law and Accountability Indispensable?

Quranic guidance and the blessed life of the Holy Prophet (PBUH) are unequivocal in their emphasis on the rule of law and an uncompromising delivery of justice. The Holy Prophet (PBUH) is an epitome of justice and fairness. He (PBUH) believed staunchly in the rule of law. Numerous Quranic injunctions and Prophetic commands stress the fundamental significance of the rule of law as the bedrock of Islam. Our religion ascribes great importance to the principles of justice and equality. The very spirit of Islam is to establish a society based on the exalted principle of the rule of law.

Divine insistence on the rule of law and justice inspires an exceptionally deep understanding of the constitution of human nature, human actions, and human society, as all three must be oriented toward balance and equipoise in order to perform well. What provides for personal, practical, and social balance is the consistency with which people and institutions apply the same rules for the same situations without worrying about who and what is involved in those situations. This universality of application, regardless of the extraneous extenuating considerations, prevents the accumulation of disorder and

disturbance in the body politic. History offers a multitude of cases of social decay and political disorder inevitably following double standards and duality in the application of the principle of the rule of law and the miscarriage of justice.

There is certainly no ambivalence in the fact that the rule of law and accountability together form the foundation upon which prosperous and equitable polities and societies rest. This foundation is the basic requirement for the successful navigation and management of the complexity of modern political, economic, social, and cultural systems. It ensures that the ambiguity of interaction and commerce within and between spheres and domains, that is the default state of disordered societies, is reduced to a minimum. The resultant predictability of actions, interactions, and transactions allows the production and reproduction of the above-mentioned systems, so indispensable to the functioning of modern states with as little friction as possible.

In order to acquire a proper understanding of the rule of law, it is important to unpack the term into its various constituents and dimensions. For this purpose, it is instructive to deal with the description of the rule of law given by the World Justice Project (WJP) and the conceptual underpinnings of the WJP Rule of Law Index.

2.3. Overarching Principles of the Rule of Law

World Justice Project (WJP) describes the rule of law “as a durable system of laws, institutions, norms, and community commitment based on “accountability, just law, open government, and accessible and impartial justice.”¹ Together, these four aspects are called the “universal principles.”² The principle of accountability applies to

¹ World Justice Project, “What is the Rule of Law?” *World Justice Project*, <https://worldjusticeproject.org/about-us/overview/what-rule-law> (accessed February 08, 2023).

² Ibid.

everyone and everything without exception and exemption for anyone or anything whatsoever.

The principle of “just law” stresses that the laws in force are easily understood, widely and routinely disseminated, not subject to sudden and abrupt change, fair, enjoying uniform application, and protective of people’s fundamental human rights as well as “property, contract and procedural rights;” the principle of “open government” underscores accessibility, fairness, and efficiency in the adoption, administration, adjudication, and enforcement of the law; and the principle of “accessible and impartial justice” operationalizes the rule of law by means of timely, even speedy, justice dispensed by competent, ethical, independent, neutral, and accessible representatives, having resources sufficient for delivering timely justice and properly representative of the communities that they serve.³

The four universal principles of the rule of law are so constructed as to ensure social peace, political stability, and the economic health of states. It has been observed that there is a strong positive correlation between the rule of law and economic growth across different national jurisdictions worldwide.⁴

Accountability and its strict implementation provides for that necessary restraint on human initiative and action that prevents their misdirected and misguided application. It keeps processes and actions friction-free, transparent, and minimizes those tendencies, attitudes, behaviors, and actions that contribute to the building up of sludge⁵ in institutions. The principle of just law is closely related to the general acceptance of the law among the populace, because the popular perception of their fundamental fairness and absence of bias in the favor of any particular individual, public or private institution, social

³ Ibid.

⁴ Ibid.

⁵ Richard H. Thaler, “Nudge, not Sludge,” *Science*, Vol. 361, Issue 6401 (August 3, 2018), 431, DOI: [10.1126/science.aau924](https://doi.org/10.1126/science.aau924) (accessed February 10, 2023).

group, or economic sector is critical to the acceptance of the law by the people.

An indivisible part of this positive popular perception is the widely held popular belief that laws in the ultimate analysis are beneficial for the people themselves in that they safeguard their rights. This belief is a key aspect of the public confidence that makes laws both formally and substantively effective. Fairness and stability of law is a function of clarity and even application of law. Whatever is above board and popular will be communicated widely. Since just laws generally and inherently tend to be fair, they are, by that very token, unhesitatingly disseminated.

When a system of governance cleaves firmly to accountability and upholds just laws, it naturally undertakes measures with regard to the application of the law that can be characterized collectively as open government marked by competence, ethics, and independence of its representatives. Such representatives would not be prone to subversion or coercion, they would not tend to misappropriate public resources, and would not seek rent from the communities they serve in return for their service. Their personal biases or interests would not bar the access of the public to the processes and institutions of government specializing in the dispensation of justice and the redress of grievances and wrongs. Hence, the chances of their alienation from the public will be nil or negligible.

2.4. WJP Rule of Law Index: Conceptual Framework

The Rule of Law Index ranks 140 countries based on information gathered from more than 138,000 households as well as 4200 expert survey in order to measure the experience and perceptions of people globally.⁶ The index consists of 8 factors with 44 indicators or sub-

⁶ World Justice Project, “Factors of the Rule of Law,” *World Justice Project*, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2021/factors-rule->

information (Sub-factor 3.2), the extent and effectiveness of civic participation (Sub-factor 3.3), and effective public complaint mechanisms (Sub-factor 3.4).¹¹

Factor 4, Fundamental Rights, examines the state of the protection of fundamental human rights through the measurement of the state of equal treatment and the absence of discrimination (Sub-factor 4.1), guaranteed right to life and security of the person (Sub-factor 4.2), due process of law and guaranteed rights of the accused (Sub-factor 4.3), guaranteed freedom of opinion and expression (Sub-factor 4.4), guaranteed freedom of belief and religion (Sub-factor 4.5), guaranteed freedom from arbitrary interference with privacy (Sub-factor 4.6), guaranteed freedom of assembly and association (Sub-factor 4.7), and guaranteed fundamental labor rights (Sub-factor 4.8).¹²

Factor 5, Order and Security, tracks the extent of the guaranteed security of persons and property in the society through the measurement of effective crime control (Sub-factor 5.1), of the effective limits on civil conflict (Sub-factor 5.2), and the lack of resort to violence for the redress of personal grievances (Sub-factor 5.3).¹³

Factor 6, Regulatory Enforcement, examines the extent of the effective and fair implementation and enforcement of regulations by means of the measurement of the enforcement of government regulations (Sub-factor 6.1), application and enforcement of government regulations without undue influence (Sub-factor 6.2), timely conduct of administrative proceedings without unreasonable delays (Sub-factor 6.3), respect for due process in administrative proceedings and procedures (Sub-factor 6.4), and the absence of expropriation by government without lawful process and adequate compensation (Sub-factor 6.5).

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

Factor 7, Civil Justice, measures the effective recourse to the civil justice system for the resolution of grievances in terms of accessible and affordable civil justice (Sub-factor 7.1), discrimination-free civil justice (Sub-factor 7.2), corruption-free civil justice (Sub-factor 7.3), freedom from improper government influence in civil justice (Sub-factor 7.4), absence of unreasonable delays in court proceedings (Sub-factor 7.5), effective enforcement of civil justice (Sub-factor 7.6), and accessible, impartial, and effective Alternative Dispute Resolution Mechanisms (Sub-factor 7.7).¹⁴

Factor 8, Criminal Justice, examines the criminal justice system in terms of the effectiveness of criminal investigation system (Sub-factor 8.1), timely and effective criminal adjudication system (Sub-factor 8.2), effectiveness of the correctional system in reducing criminal behavior (Sub-factor 8.3), impartiality of criminal system (Sub-factor 8.4), corruption-free criminal justice (Sub-factor 8.5), freedom from improper government influence in criminal justice (Sub-factor 8.6), due process of the law and guaranteed protection of the rights of the victims and the accused (Sub-factor 8.7).¹⁵

Factor 9, Informal Justice, deals with the informal justice systems and mechanisms based on traditional, tribal, faith-based, and community-based mechanisms of dispute resolution in terms of timely and effective informal justice (Sub-factor 9.1), impartiality and freedom from improper influence in informal justice (Sub-factor 9.2), and respect for and protection of fundamental human rights in informal justice (Sub-factor 9.3).

The index is comprehensive in its analytical and conceptual grasp of the state of the rule of law across diverse national jurisdictions with different traditions, cultures, and identities. The factors and sub-factors meticulously cover all the key aspects involved in constituting a

¹⁴ Ibid.

¹⁵ Ibid.

state and society characterized by the rule of law. In short, they are the checklist of good governance.

These factors draw mutual strength from each other and must be operational simultaneously for the state and citizens to experience comprehensive security and stability. The absence from a national jurisdiction of even one out of these factors can undermine the performance of the other factors, affects the proper operationalization of the rule of law, and prevents the formation of the virtuous cycle of order, security, and development.

2.5. Pakistan in the Rule of Law Index

Scores in the WJP Rule of the Law Index range from 0 to 1, where 1 refers to the strongest adherence to the rule of law. Pakistan's overall score is 0.39 and its global rank in the Rule of Index 2022 is 129 out of 140 total countries and jurisdictions that were ranked.¹⁶ For the sake of comparison, India's global rank in 2022 is 77 with an overall score of 0.50, while Turkey's rank is 116 with an overall score of 0.42, and the overall rank of Indonesia is 64 with an overall score of 0.53.¹⁷ United Arab Emirates, with a global rank of 37 and overall score of 0.63, is the only Muslim country amongst the top 50 countries in terms of the rule of law.¹⁸

In South Asia, Pakistan's regional rank in the rule of law is 5 out of 6 countries evaluated for 2022, with Nepal's regional rank being 1 out of 6 followed by Sri Lanka at the second place and India at the third position.¹⁹ In terms of the rule-of-law ranks by income, amongst the 38 lower-middle income countries ranked for 2022, Pakistan's rule-of-law rank by income is 30, with Indonesia (4), India (9), Vietnam (11),

¹⁶ World Justice Project, *WJP Rule of Law Index 2022*, 22-23.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ World Justice Project, *WJP Rule of Law Index 2022*, 25.

Nigeria (24), Iran (25), and Bangladesh (29) all ahead of Pakistan in the category of lower-middle income countries.²⁰

Table 1: World Justice Project: Pakistan's Rule of Law Index		
Factor	Regional Rank South Asia	Global Rank
Constraints on Government Powers	4/6	91/140
Absence of Corruption	5/6	118/140
Open Government	4/6	102/140
Fundamental Rights	4/6	123/140
Order and Security	5/6	139/140
Regulatory Enforcement	5/6	127/140
Civil Justice	4/6	125/140
Criminal Justice	4/6	97/140

Source: World Justice Project Rule of Law Index 2022.

In terms of factor ranks and scores, Pakistan's rank in Factor 1, Constraint on Government Powers, is 91 out of 140 countries with a factor score of 0.48. Pakistan fares better in this factor than Vietnam (Factor rank 99), Bangladesh (Factor rank 118), the Russian Federation (Factor rank 130), China (Factor rank 131), and Turkey (Factor rank 135).²¹ Pakistan's rank in Factor 2, Absence of Corruption, is 118 out of 140 countries with a factor score of 0.32, behind Malaysia (Factor rank

²⁰ World Justice Project, *WJP Rule of Law Index 2022*, 26.

²¹ World Justice Project, *WJP Rule of Law Index 2022*, 28.

51), Turkey (Factor rank 70), India (Factor rank 93), and Indonesia (Factor rank 94).²²

In Factor 3, Open Government, Pakistan's rank is 102, ahead of Bangladesh (Factor rank 104), Turkey (Factor rank 105), China (Factor rank 106), and UAE (Factor rank 127), but behind India (Factor rank 43) and Indonesia (Factor rank 56).²³ In factor 4, Fundamental Rights, Pakistan's factor rank is 123, just ahead of Angola (Factor rank 124), Belarus (Factor rank 125), and Cameroon (Factor rank 126), but behind Mozambique (Factor rank 119) and Congo Republic (Factor rank 120).²⁴

In Factor 5, Order and Security, Pakistan brings up the rear with a factor rank of 139 out of 140 countries ahead of only Afghanistan (Factor rank 140).²⁵ In factor 6, Regulatory Environment, Pakistan's performance with a factor rank of 127 is better than that of Nicaragua (Factor rank 128) and Ethiopia (Factor rank 129) but worse than Madagascar (Factor rank 125) and Sierra Leone (Factor rank 126).²⁶

In Factor 7, Civil Justice, Pakistan with a factor rank of 125 and a factor score of 0.40 is behind Cameroon (Factor rank 122), Mauritania (Factor rank 123), and Liberia (Factor rank 124).²⁷ In Factor 8, Criminal Justice, Pakistan's factor rank is 97 with a factor score of 0.36, behind Nigeria (Factor rank 90), Tanzania (Factor rank 91), and Togo (Factor rank 92), but ahead of Sierra Leone (Factor rank 97) Niger (Factor rank 98), and Ivory Coast (Factor rank 100).

In so far as the various sub-factors of the Rule of Law Index are concerned, Pakistan's performance is checkered at best. Under Factor 1, Constraints on Government Power, limits by legislature on

²² World Justice Project, *WJP Rule of Law Index 2022*, 29.

²³ World Justice Project, *WJP Rule of Law Index 2022*, 30.

²⁴ World Justice Project, *WJP Rule of Law Index 2022*, 31.

²⁵ World Justice Project, *WJP Rule of Law Index 2022*, 32.

²⁶ World Justice Project, *WJP Rule of Law Index 2022*, 33.

²⁷ World Justice Project, *WJP Rule of Law Index 2022*, 34.

government powers (Sub-factor 1.1) are relatively the strongest, but the sanctions for misconduct of government officials (Sub-factor 1.4) are the weakest.²⁸ In Factor 2, Absence of Corruption, government officials in the judicial branch use public office for private gain (Sub-Factor 2.2) more than government officials in the executive branch (Sub-factor 2.1), while government officials in the legislative branch (Sub-factor 2.4) do so the least on comparative basis.²⁹ Within Factor 3, Open Government, the state of civic participation (Sub-factor 3.3) and public complaint mechanisms including the right to petition (Sub-factor 4) is better than the state of publicized information on legal rights, including basic laws and government data (Sub-factor 3.1), and the state of the right to information (Sub-factor 3.2).

Under Factor 4, Fundamental Rights, the state of freedom from arbitrary interference with privacy (Sub-factor 4.7) is effectively low; similarly, there is no especially effective guarantee of the right to life and security of the person (Sub-factor 4.2), but there is relatively greater freedom of opinion and expression (Sub-factor 4.4).³⁰ Within Factor 5, Order and Security, measures to control crime (Sub-factor 5.1) are relatively more effective than those for the control of civil conflict (Sub-factor 5.2), whereas there is a high tendency for people to resort to violence to redress personal grievances (Sub-factor 5.3).³¹ Under Factor 6, Regulatory Enforcement, government generally does not expropriate without lawful process and adequate compensation (Sub-factor 6.5), but the respect for due process in administrative proceedings is in a bad shape (Sub-factor 6.4) at the same time that unreasonable delays in administrative proceedings are common (Sub-factor 6.2).³²

²⁸ World Justice Project, *WJP Rule of Law Index 2022*, 137.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

In factor 7, Civil Justice, there are unreasonable delays (Sub-factor 7.5), discrimination (Sub-factor 7.2), corruption (Sub-factor 7.3), and ineffective enforcement (Sub-factor 7.6), but still Alternative Dispute Resolution Mechanisms (ADRs) are relatively more accessible, impartial and effective (Sub-factor 7.7).³³ Under Factor 8, Criminal Justice, the criminal system is discriminatory (Sub-factor 8.4), plagued with corruption (Sub-factor 8.5), whereas the criminal investigation system (Sub-factor 8.1) and the correctional system are ineffective (Sub-factor 8.3).

2.6. Prioritizing Rule of Law and Accountability

It cannot be stressed enough that upholding the rule of law is the common responsibility of all the citizens and organs of the state. Chronic deprivations, spoliations, and violations of the principle of the rule of law by any organ of the state, social group, national community, or individual citizens will rob this sacred principle of its practical value, leading to the emergence of cluster ills like social instability, political polarization, multi-domain conflict, underdevelopment, poverty, and low economic growth.

In a society characterized by the weak rule of law and subverted accountability, different categories of corruption exist more or less simultaneously, like supply versus demand corruption, grand versus petty corruption, conventional versus unconventional corruption, and public versus private corruption, as well as systemic versus individual or isolated corruption, and corruption by commission versus corruption by omission.³⁴

³³ Ibid.

³⁴ Government of Canada, “Definitions of Corruption,” *Public Safety Canada*, Research Brief no. 48, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rgnzd-crm-brf-48/rgnzd-crm-brf-48-en.pdf> (accessed February 10, 2023).

Erosion of public trust in government and the wastage of public resources, especially, taxes, are amongst the most pernicious outcomes of corruption.³⁵

Corruption in Pakistan is ubiquitous and endemic. It runs through almost all processes, sectors, and organs of government, state, and the society. It has vitiated the regenerative and development capacity of the nation as a whole. Only effective, sustained, and non-partisan accountability can put an end to this grave menace.

Unless public officials act in good faith and avoid bad faith in the lawful exercise of authority, no constitutional government is possible. Weak constitutional government creates the institutional conditions for corruption to take place. Without constitutional government, it becomes impossible to maintain the health of the public order for long. Without the lawful exercise of authority, the rule of law, and non-partisan impartial systems of accountability, governance would become a matter of the whims of the powerful.

The justice system should be the guardian and custodian of people's legitimate expectations³⁶ in its fundamental role as the enforcer of the constitution and laws of the land. Public officials are fiduciaries or trustees and their duties toward people involve the duty of care, loyalty, impartiality, accountability and the duty to preserve the public's trust in government.³⁷ Without this fundamental guarantee of acting in good faith in accordance with the rule of law, no human society can function and progress.

³⁵ Independent Broad-Based Anti-Corruption Commission (IBAC), "Impacts of Corruption," *IBAC*, <https://www.ibac.vic.gov.au/preventing-corruption/corruption-hurts-everyone> (accessed February 10, 2023).

³⁶ Qaisar Abbas, "Doctrine of Legitimate Expectations: Prospects and Problems in Pakistan," *Pakistan Law Journal*, (January 11, 2008), 448-460, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2609639 (accessed February 10, 2023).

³⁷ Hana Callaghan, "Public Officials as Fiduciaries," *Markkula Center for Applied Ethics, Santa Clara University*, (May 31, 2016), <https://www.scu.edu/government-ethics/resources/public-officials-as-fiduciaries/> (accessed February 10, 2023).





3. Discussion

The keynote address was followed by an open discussion session consisting of an interesting exchange of ideas, insights, and comments. A senior think tank professional stressed that good faith is an indispensable requirement for honest and competent conduct by public officials. The attendee pointed out that there are many ways in which good faith could be undermined and that undue and excessive anger, fed by constant, mutual resentment felt by officials toward their peers and the public at large in a general condition of low observance of the rule of law, is a particularly insidious detriment to the preservation of good faith in trying times.

Dr. Suddle responded that acting in good faith means that one cares for one's duty as one normally cares for one's family and home, and that just as one normally avoids the misuse of personal money, one should also treat public monies in one's charge with thrift and absolute care.

Dr. Suddle further remarked that that one of the greatest misfortunes to have befallen Pakistan has been that public officials have failed to grow with the passage of time into role models of integrity and competence for the public at large. The speaker further highlighted that the official use of public funds and the processes of public procurement leave much to be desired.

Responding to a question from a senior think tank functionary about the desirability of systemic change versus partial change, radical versus incremental change, and reform radicalism versus reform gradualism, Dr. Suddle pointed out that reform at any point in time is a matter of intentions and capabilities, and that if intentions are not strictly bona fide and capabilities are short, then systemic change tends to be downhill, radical reform unravels more than it recovers, and gradual reform falls short of objectives and expectations.

Dr. Suddle stated that in order for any form of reform to stand any chance of success, those planning to bring it about should accept it wholeheartedly, and that they should throw in their lot with the common citizens without enclosing their own perks and privileges against the impact of reform.

Dr. Suddle explained that political, social, legal and institutional contradictions will continue to fester and multiple types of violations of authority at various tiers and levels will continue to exist as long as the role of public officials as trustees and fiduciaries will not be restored in letter and spirit.

One attendee despondently remarked that talking of the rule of law and Pakistan in the same breath is a contradiction in terms. Dr. Suddle consoled the attendee that optimism in a difficult time is a strategic virtue as long as it is not blinkered by naivety, and that pessimism is always a dangerous ground to stand upon.

An attendee, belonging to the legal fraternity, highlighted that low legal deterrence and moral-ethical bankruptcy are two major threats to domestic stability. Dr. Suddle, concurring with the observation, stated that fixing the system is the most urgent need of the moment without which the total breakdown of the sociopolitical order will be imminent.

He pointed out that systems and civilizations, overburdened with irregularities, contradictions, and asymmetries, and wrongdoing, ultimately become defunct. He drew attention to the once-mighty but now-extinct empires of yore like the Roman, Mughal, and Ottoman Empires as relevant case studies. Dr. Suddle remarked that doing nothing and hoping the system will self-regenerate is a dangerous and fatal illusion. He cautioned that it is time to wake up when business as usual becomes a downhill road.

An attendee, employed in the higher education sector, remarked that, unlike countries where the rule of law is well-established, there is little

or no emphasis on the public condemnation of the instances of the violation of law and rules from the highest to the lowest level. The attendee pointed out that the lack of public outrage when law is broken has become a worrisome symptom of public apathy and the normalization of the weak rule of law.

Dr. Suddle pointed out that the nature and purposes of the law also need to be evaluated. He shared that at least 30 commissions and committees were set up to examine the 1861 Police Act with the unanimous finding that the said law was seriously out of date, brought into being for a different kind of society by a different kind of government which ceased to exist formally on August 14, 1947. The longer the system based on the said law was left unreformed, the direr were the consequences of the lack of reform. Dr Suddle said that the Police Order 2002 was a revolutionary piece of legislation, but has faced many hurdles in terms of implementation.

He further pointed out that it is the sworn duty of all public officials to resist undue pressure in the disposal of their responsibilities. He said that undue pressure is neither justification nor excuse for the abdication of duty.

One of the senior attendees said that unwillingness of the admission of wrongdoing and the acceptance of responsibility amongst public officials and citizens alike is the twin of the disregard of the rule of law. The attendee said that we are quick to condemn others but slow to recognize our own errors of commission and omission. The absence of ownership of wrongs is the sign of a tacit sense of predatory entitlement in both the elites and the commoners. The attendee pointed out that the refusal to accept responsibility is the marker of the moral malaise of the society and that it is a non-sequitur to expect a morally bankrupt society to be a law-abiding society. The attendee was of the opinion that the crucible of prolonged crises has historically reoriented morally bankrupt societies to become values-based societies at a great cost.

A senior public policy professional observed that the nature of the system determines the purpose and value of human beings in that system, and that the nature of the system can be identified from its priorities in the practical conduct of the everyday life as lived and regulated in that system. The attendee considered that both capitalism and socialism have historically failed to promote true egalitarianism. The attendee was of the view that any system that is extractive in nature and is based on different types of rent-seeking cannot promote egalitarianism despite its claims to the contrary.

Responding to the comment, Dr. Suddle emphasized that Pakistan needs to restore the “Pakistan dream” that he mentioned in the beginning of his keynote, as part of the recovery of the original civilizational mission of rebuilding the society on the basis of the rule of law and the welfare of the individual in the light of the Quranic guidance. He said that progress in the world demanded strict observance of both the religious and the worldly law.

Citing the recovery of 3,500 acres of land worth Rs 23 billion by the Evacuee Trust Board (ETPB) following a forensic audit of the board in pursuance of the orders of the Supreme Court, Dr. Suddle pointed out that the will to perform could still make things happen despite the difficulties on ground. He highlighted that persistence, practical intelligence, competence, and professionalism were required to do things properly in the public sector.

A policy researcher commented that kinship considerations underpinning the patron-client relationships played a highly damaging role in undermining the rule of law in the country. Dr. Suddle pointed out that kinship-based clientelism is a sticky pernicious feature of the South Asian hybrid modernization. He said that it manifests as system capture, misappropriation of resources, struggle for the concentration of political and economic power into one’s kinship group, and the maintenance of generally asymmetrical, occasionally predatory,

relations vis-à-vis other groups. He said it is difficult to escape this system, but still it is largely up to the individual public official to ensure that kinship considerations do not transgress the bounds of law as well as propriety.

He clarified that fair and legally permissible help rendered to your law-abiding family members and individuals belonging to your social circle in overcoming red tape, resisting administrative rent-seeking, and avoiding unreasonable delays in administrative proceedings are innocuous features that should not be classed as kinship clientelism.

Toward the end of the discussion session, the moderator commented that in order to ensure the rule of law, more and more people need to come out to vote. In the opinion of the moderator, a nation-wide voter turnout of more than 70 percent would make a marked difference in improving the quality of representation and compel the legislative branch to take strong measures for the rule of law.





4. Concluding Remarks

Dr. Ashfaqe Hasan Khan

Director General NIPS



In his concluding remarks, Dr. Ashfaqe Hasan Khan appreciated the high quality of the keynote as well as the keen interest of the audience. Dr. Khan pointed out that the simplest expression of the rule of law is everyone understanding their responsibilities clearly and doing their duty assiduously. He highlighted that the rule of law and accountability are strongly correlated with the high economic performance of a country. He considered that the rule of law tends to enable trust to flourish in a society, and since trust is the social lubricant that allows high levels of social capital to exist and operate in a society, without it no society can cooperate in a sustained manner. He cautioned that due to traditionally low levels of the rule of law, it is now visible that mutual trust, reciprocity, and mutual aid toward common national goals are at an all-time low in the society. He said though, the nation had come

together exceptionally in the recent past to combat terrorism, yet today, that solidarity is quite slender.

Dr. Khan said that state officials, agents of the government, and public officials can make a huge difference in improving the public perception of the lawful use of authority by their disciplined, honest, and bona fide conduct, and their merit-based public service delivery. This, he considered, is a viable way of mitigating the ill effects of bad governance. He stressed the importance of probity in the use of public funds, as this is the most immediate signal to the public and people at large that public officials truly are fiduciaries cognizant of their public trust. Dr. Khan said that one informal but robust indicator of the rule of law is the high degree of respect for public officials among the people. He remarked that the career aspirations of the youth of any country provide a fair idea of the direction in which that country may be headed. He mentioned that in a survey about career aspirations of the young people in Japan, senior management of the Japanese multinational corporations, judiciary, and university teaching and research were the top three career aspirations of the young Japanese. He speculated that in a similar survey, if it were to be carried out, in Pakistan, teaching and research will probably bring up the rear.

He said that a society where the rule of law is weak, most people aspire to choose careers associated with the exercise of power as opposed to those associated with intellectual inquiry and knowledge. Similarly, societies on a trajectory of rejuvenation, high growth, and development tend to put power in the hands of people who possess knowledge and advanced learning. Countries like China, Japan, Singapore, South Korea, and Turkey are some of those countries where professors, thinkers, and star researchers have been influential in policymaking and rules-making. He stressed that the rule of law and accountability, acting as the fundamental guarantees of good governance, are indispensable for the country to experience better outcomes in economy, health, education, social development, and poverty

alleviation, and that any further delay in establishing the rule of law would drive the state and society deeper into the multi-domain crisis in which it is mired currently.





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